



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY - - - NOVEMBER 1, 2005 - - - 6:05 P.M.

Time: Tuesday, November 1, 2005, 6:05 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Council on agenda items only, may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Craig Jory and Human Resources Director.

Employee Organizations: International Brotherhood of Electrical Workers and Management and Confidential Employees Association.

3-B. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Marie Gilmore and Frank Matarrese.

Employee: City Attorney.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment


Beverly Johnson, Mayor



CITY OF ALAMEDA • CALIFORNIA

SPECIAL JOINT MEETING OF THE CITY COUNCIL
AND COMMUNITY IMPROVEMENT COMMISSION
TUESDAY - - - NOVEMBER 1, 2005 - - - 7:25 P.M.

Location: **Council Chambers**, City Hall, Santa Clara Ave. and Oak St.

Public Participation

Anyone wishing to address the Council/Commission on agenda items or business introduced by Councilmembers/Commissioners may speak for a maximum of 3 minutes per agenda item when the subject is before the Council/Commission. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT CALENDAR

- 1-A. Minutes of the Special Joint City Council and Community Improvement Commission and Special Community Improvement Commission meetings held on October 18, 2005. (City Clerk)
- 1-B. Recommendation to accept the Quarterly Financial Report for the period ending September 30, 2005 and approve the supplemental appropriations. (Finance)

ADJOURNMENT

Beverly Johnson, Mayor
Chair, Community Improvement
Commission



CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - REGULAR MEETING OF THE CITY COUNCIL
TUESDAY - - - - NOVEMBER 1, 2005 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. Agenda Items
6. Oral Communications, Non-Agenda (Public Comment)
7. Council Communications (Communications from Council)
8. Adjournment

Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL MEETING OF THE CITY COUNCIL 6:05 P.M.
CITY COUNCIL CHAMBERS CONFERENCE ROOM
Separate Agenda (Closed Session)

SPECIAL JOINT MEETING OF THE CITY COUNCIL AND 7:25 P.M.
COMMUNITY IMPROVEMENT COMMISSION, CITY COUNCIL CHAMBERS
Separate Agenda

1. ROLL CALL - City Council

2. AGENDA CHANGES

3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

3-A. Proclamation honoring the developers of the Marketplace, and declaring November 1, 2005 as Donna Layburn, Paul Hossack, and Gerald Mackey Appreciation Day.

3-B. Library update.

4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

4-A. Minutes of the Special and Regular City Council Meetings held on October 18, 2005. (City Clerk)

4-B. Bills for ratification. (Finance)

4-C. Recommendation to accept the Quarterly Investment Report for the period ending September 30, 2005. (Finance)

4-D. Recommendation to authorize the City Manager to pay Bay Ship & Yacht Company \$134,598.19 for facility upgrades to the Main Street Ferry Terminal. (Public Works)

4-E. Adoption of Resolution Amending Resolution No. 9460 to Reflect Current Positions and Entities to be Included in the City of Alameda's Conflict of Interest Code and Rescinding Resolution No. 13726. (City Attorney)

5. REGULAR AGENDA ITEMS

5-A. Public Hearing to accept new, revised preliminary designs for the Cineplex and a 352-space parking structure at the corner of Oak Street and Central Avenue, within the C-C T (Community Commercial Theater) Zoning District. (Planning Department)

5-B. Public Hearing to consider an Appeal of the Planning Board's approval of Use Permits for: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 a.m. for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for up to 24 days per year; **and adoption of related**

resolution. The site is located at 2305 -2317 Central Avenue, within the C-C T (Community Commercial Theatre Combining) District. Applicants: Kyle Conner, Alameda Entertainment Associates, LP. Appellants: Ani Dimusheva and Robert Gavrich. (Planning Department)

6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.

7. COUNCIL COMMUNICATIONS (Communications from Council)

7-A. Status of the Infrastructure Improvement Project/Plan, including scope, issues, timelines and questions. [Councilmember Daysog]

8. ADJOURNMENT

- For use in preparing the Official Record, speakers reading a written statement are invited to submit a copy to the City Clerk at the meeting or e-mail to: lweisige@ci.alameda.ca.us
- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter.
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting.
- Accessible seating for persons with disabilities, including those using wheelchairs, is available.
- Minutes of the meeting available in enlarged print.
- Audio Tapes of the meeting are available upon request.
- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.

UNAPPROVED MINUTES
MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -OCTOBER 18, 2005- -6:55 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:30 p.m.

Roll Call - Present: Councilmembers/Commissioners Daysog,
deHaan, Gilmore, Matarrese, and
Mayor/Chair Johnson - 5.

Absent: None.

The Special Joint Meeting was adjourned to Closed Session to consider:

(05- CC/05- CIC) Conference with Legal Counsel - Existing Litigation; Name of case: Citizens for a Megaplex-Free Alameda v. City of Alameda, et al.

Following the Closed Session, the Special Meeting was reconvened and Mayor/Chair Johnson announced that the Council/Commission obtained briefing and gave direction to the City Attorney/Legal Counsel; stated the Community Improvement Commission (CIC) is choosing to assume defense of the litigation since the CIC has the most invested in this project; the CIC desires to retain control of the defense.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the Special Meeting at 8:20 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY - - - OCTOBER 18, 2005 - - - 7:25 P.M.

Chair Johnson convened the Special Meeting at 8:30 p.m. Junior Girl Scout Troop #2512 led the Pledge of Allegiance.

ROLL CALL - Present: Commissioners Daysog, deHaan, Gilmore, Matarrese, and Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Commissioner Gilmore moved approval of the Consent Calendar.

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-) Minutes of the Special Community Improvement Commission Meeting of September 20, 2005. Approved.

(*05) Recommendation to approve a Predevelopment Agreement with the Alameda Unified School District for Affordable Housing at the Island High School site. Accepted.

AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the Special Meeting at 8:32 p.m.

Respectfully submitted,

Lara Weisiger
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

Special Meeting
Community Improvement Commission
October 18, 2005

CITY OF ALAMEDA

MEMORANDUM

Date: October 24, 2005

To: Honorable Mayor and Councilmembers
Honorable Chair and Community Improvement Commission Members

From: Debra Kurita
City Manager

Re: Quarterly Financial Report for Period Ending September 30, 2005 and
Approving the Supplemental Appropriations

BACKGROUND

On June 7, 2005, the City Council adopted a spending plan for 2005-2006 consistent with the City charter and government code requirements. Presented herein is the financial report for the period ending September 30, 2005.

DISCUSSION/ANALYSIS

Enclosed are Exhibits A-D detailing, by fund category, the revenues and expenditures as of September 30, 2005. Included in the exhibits are recommended adjustments to the current budget resulting from refined projections and additional data since the adoption of the current budget.

General Fund Revenues:

General Fund revenues for the period ending September 30, 2005 totaled \$11,979,429 representing 17.2% of updated revenue projections of \$69,744,734. A summary of adjustments can be found at Exhibit A, page 2. Included is \$363,302 in revenue estimate adjustments, which are detailed on the summary of adjustments.

Revenues this year are exceeding last year-to-date collections by approximately \$3 million; \$2.1 million of which is collected in the five largest revenue items.

Property Taxes	10% greater than last year at this time
Utility User Taxes	1% less than last year at this time
Sales Tax	8% less than last year at this time
Motor Vehicle in Lieu	10% greater than last year at this time
Property Transfer Tax	7% greater than last year at this time

Report 1-B
11-01-05

Except for the lagging sales tax collections, all other major items are on target for collection as budgeted. Staff will continue to monitor and investigate the sales tax revenues. Any known adjustments will be brought to your attention as soon as they are known.

General Fund Appropriations:

General Fund adjustments of \$840,682 for the first quarter include funds that were previously authorized by Council to provide funding for the Holland & Knight agreement and the Fire Department Homeland Security grant as well as adjustments to account for other recommended items as detailed in the summary of adjustments.

General Fund Expenditures:

General Fund operating expenditures for the first quarter ending September 30, 2005 amounted to \$16,034,822, representing 22.8% of the adjusted operating budget of \$70,222,114. This is only slightly (less than \$150,000) lower than expenditures last year. Non-departmental expenditures totaled \$23,896 and included expenditures for rent subsidy to the Alameda Historical Museum. The Capital Outlay expenditure totaled \$827. Depreciation expense for the quarter was \$192,852.

In addition, \$1,198,683 was transferred from the General Fund to special funds. Transfers to other funds included: Library operations \$377,194, Urban Runoff \$16,250, Post-employment Benefits \$360,445, Debt Service - City Hall \$242,295, and Risk Management \$202,500. Individual divisions may be exceeding a straight-line expenditure but their departments remain under budget. Divisions requiring intensive review are Police: Bureau of Services, Fire: Advanced Life Support and Recreation: Parks Maintenance. For the quarter, the operating departments' expenditures are 22.6% of adjusted appropriations, which is 2.4% below the 25% straight-line target. General Fund expenditures by departments can be found on pages 6-8 of Exhibit B.

Special Revenue and Enterprise Funds:

The summary of revenues and expenditures for special funds and enterprise funds are also included herein. (Exhibit C: Revenues, pages 9-11, Expenditures, pages 12-13). A summary of adjustments can be found at Exhibit C, page 14. Timing of receipts and payments cause deviations from the straight-line expectation.

BUDGET/FISCAL IMPACT

A Summary Analysis of funds for Fiscal Year 2005-06 can be found at Exhibit D. The funds are sorted by fund type and included as memo entries are the two component units; Alameda Power & Telecom and Alameda Housing Authority. The projected General Fund balance for June 30, 2005 is \$19,405,335 and is 27.6% of the operating budget for 2005-06 of \$70,222,114.

RECOMMENDATION

Accept the report on the results of operations for the quarter ending September 30, 2005 for all funds and approve the supplemental appropriations.

Respectfully submitted,


Juella-Ann Boyer
Chief Financial Officer

JAB:dl

Attachments

General Fund Recap and Summary of Adjustments, Exhibit A
General Fund Detail Receipts/Disbursements, Exhibit B
Special Funds Detail Receipts/Disbursements and Summary of Adjustments, Exhibit C
Summary Analysis of Funds, Exhibit D

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SUMMARY OF ADJUSTMENTS		
Revenue	Appropriations	Department & Description
		<u>General Fund Various</u>
	\$ 40,000	City Manager - Per council approval for Holland & Knight contract
323,270	404,087	Fire Dept - Per council approval to appropriate net of \$80,817 GF match for training trailer grant from Dept of Homeland Security
40,032	40,032	ARPD -To appropriate funds from Marina Cove Assessment to for maintenance
	11,930	ARPD - To fund part-time maintenance per City Manager
	(11,930)	Library - Tfr to ARPD to fund part-time maintenance
	71,474	CIP Rollover
	5,587	Maintenance Project Rollover
	65,800	City Manager's Office additional personnel and services costs
	64,000	Holland & Knight contract - Nov 05-June 06
	28,000	Police - replace vests - net additional costs (Note: vendor claim pending)
	104,274	Personnel cost adjustments - various departments
	17,428	Finance Dept. = additional personnel costs; replace vacant position with underfill of Finance Manager
\$ 363,302	\$ 840,682	Total General Fund Adjustment

GENERAL FUND REVENUES

EXHIBIT B

ACCT NO.	D E S C R I P T I O N	PERCENT OF TOTAL	ORIGINAL EST. 2005-06	1st Qtr Adjustments	REVISED EST. 2005-06	ACTUAL 30-Sep-05	BALANCE TO COLLECT	PERCENT COLLECTED
PROPERTY TAXES (3100)								
31100	Secured		\$ 13,742,075		\$ 13,742,075	\$ 365,617	\$ 13,376,458	\$2.66%)
31200	Unsecured		1,940,397		1,940,397	994,125	946,272	51.23%
31400	Prior Secured		75,000		75,000	11,456	63,544	15.28%
31500	Prior Unsecured		67,000		67,000	4,361	62,639	6.51%
31700	Homeowner's Exemptions		208,308		208,308	0	208,308	0.00%
31900	Prop Tax - Other		1,297,960		1,297,960	0	1,297,960	0.00%
	SUB TOTAL - PROPERTY TAXES	25.13%	\$ 17,330,740	\$0	\$ 17,330,740	\$ 1,375,560	\$ 15,955,180	\$7.94%)
OTHER LOCAL TAXES (3200)								
32100	Sales Tax		\$ 6,028,946		\$ 6,028,946	\$ 977,860	\$ 5,051,086	16.22%
32110	Sales Tax (Prop 172)		550,000		550,000	91,212	458,788	16.58%
32200	Property Transfer Tax		4,969,907		4,969,907	970,754	3,999,153	19.53%
32300	Utility Users Tax		7,939,000		7,939,000	1,242,436	6,696,564	15.65%
32400	Transient Occupancy Tax		740,000		740,000	167,206	572,794	22.60%
32500	PG&E Franchise Fees		200,000		200,000	0	200,000	0.00%
32510	Garbage Franchise		1,789,898		1,789,898	230,725	1,559,173	12.89%
32520	Cable Franchise Fees		365,000		365,000	0	365,000	0.00%
32530	Bureau of Elec Franchise Fees		2,500,000		2,500,000	500,000	2,000,000	20.00%
32550	Taxi Franchise Fees		1,678		1,678	50	1,628	2.98%
32560	ATS Franchise Fee		605,000		605,000	0	605,000	0.00%
32600	Housing Authority in Lieu		210,000		210,000	0	210,000	0.00%
32610	Payment in Lieu of Taxes		2,127,739		2,127,739	537,409	1,590,330	25.26%
32000	Other Taxes		0		0	120,797	(120,797)	0.00%
	SUB TOTAL - OTHER TAXES	40.63%	\$ 28,027,168	\$0	\$ 28,027,168	\$ 4,838,449	\$ 23,188,719	17.26%
LICENSES & PERMITS (3300)								
33063	Permit Tracking Fee		\$ 118,600		\$ 118,600	\$ 40,984	\$ 77,616	34.56%
33064	Community Planning Fee		200,000		200,000	69,850	130,150	34.93%
33100	Business Licenses		1,465,300		1,465,300	776,505	688,795	52.99%
33150	Taxi Permit		1,200		1,200	150	1,050	12.50%
33200	Bicycle Licenses		500		500	135	365	27.00%
33400	Building Permits		1,050,000		1,050,000	397,938	652,062	37.90%
33410	Encroachment Permit Fees		4,000		4,000	(8,624)	12,624	(215.61%)
33500	Electrical Permits		160,000		160,000	63,390	96,610	39.62%
33600	Plumbing Permits		165,000		165,000	101,281	63,719	61.38%
33900	Miscellaneous Permits		1,028		1,028	120	908	11.67%
	SUB TOTAL - LICENSES & PERMITS	4.59%	\$ 3,165,628	\$0	\$ 3,165,628	\$ 1,441,729	\$ 1,723,899	45.54%
FINES AND FORFEITURES (3400)								
34100	Ordinance Violations		\$ 437,575		\$ 437,575	\$ 129,574	\$ 308,001	29.61%
34410	Permit Penalties		100,000		100,000	29,053	70,947	29.05%
34910	Enforcement & Appeal		500		500	0	500	0.00%
34950	Traffic School Fees		70,000		70,000	6,744	63,256	9.63%
	SUB TOTAL - FINES & FORFEITS	0.88%	\$ 608,075	\$0	\$ 608,075	\$ 165,371	\$ 442,704	27.20%

GENERAL FUND REVENUES

EXHIBIT B

ACCT NO.	DESCRIPTION	PERCENT OF TOTAL	ORIGINAL EST. 2005-06	1st Qtr Adjustments	REVISED EST. 2005-06	ACTUAL 30-Sep-05	BALANCE TO COLLECT	PERCENT COLLECTED
USE OF MONEY & PROPERTY (3500)								
35100	Interest Income		\$ 1,717,000		\$ 1,717,000	\$ 786,719	\$ 930,281	45.82%
35300	Rental Income		102,200		102,200	22,277	79,923	21.80%
35400	Concessions Income		900		900	0	900	0.00%
	SUB TOTAL - USE OF MONEY	2.64%	\$ 1,820,100	\$0	\$ 1,820,100	\$ 808,997	\$ 1,011,103	44.45%
REVENUE FROM OTHER AGENCIES								
36110	Fed Grant - Pub Service		\$0	\$ 323,270	\$ 323,270	\$161,635	\$ 161,635	50.00%
36220	State Highway Maintenance		44,200		44,200	0	44,200	0.00%
36226	Misc Reimbursements		200,000		200,000	0	200,000	0.00%
36227	Booking Fees Reimbursement		200,000		200,000	0	200,000	0.00%
36320	County Reimbursement - ALS		23,886		23,886	4,040	19,846	16.91%
36490	Post Reimbursements		84,328		84,328	2,986	81,342	3.54%
36800	Motor Vehicle in Lieu		5,109,573		5,109,573	742,731	4,366,842	14.54%
36930	Park Fund Contribution		85,000		85,000	77,299	77,299	\$9.06%
36990	Other Contrib/Donation		24,050		24,050	70,867	(46,817)	294.67%
	SUB TOTAL - REVENUES FROM OTHERS	8.84%	\$ 5,771,037	\$ 323,270	\$ 6,094,307	\$ 989,960	\$ 5,104,347	16.24%
CURRENT SERVICES (3700 & 3900)								
39900	General Administration		\$ 467,346		\$ 467,346	\$ 163,885	\$ 303,461	35.07%
37900	Annual Maintenance Revenue		45,000		45,000	12,933	32,067	28.74%
37080	Engineer Service Fees		1,511,963		1,511,963	158,693	1,353,270	10.50%
37160	Plan Check Fees		81,586		81,586	29,678	51,908	36.38%
39900	City Attorney		108,150		108,150	29,144	79,006	26.95%
37900	Other Current Services		17,200		17,200	0	17,200	0.00%
39900	Police		187,738		187,738	42,653	145,085	22.72%
37360	Police Contract Overtime*		0		0	1,782	(1,782)	0.00%
39900	Planning		1,280,278		1,280,278	409,870	870,408	32.01%
39900	Recreation		172,500		172,500	33,590	138,910	19.47%
39900	Public Works		120,250		120,250	7,701	112,549	6.40%
37460	Fire - Ambulance Fees		1,460,000		1,460,000	330,759	1,129,241	22.65%
37510	Golf Surcharge		172,205		172,205	36,637	135,568	21.28%
37515	Municipal Service Fee		2,024,000		2,024,000			
	SUB TOTAL - CURRENT SERVICES	11.09%	\$ 7,648,216	\$0	\$ 7,648,216	\$ 1,257,324	\$ 4,366,892	16.44%
CONTRIBUTIONS FROM OTHER FUNDS								
38164	Trsf from CIT		\$ 270,000		\$ 270,000	\$0	\$ 270,000	25.00%
38201	Trsf from CIC-WECIP		100,197		100,197	25,049	75,148	25.00%
38202	Trsf from Low/Mod-WECIP		14,756		14,756	3,689	11,067	25.00%
38203	Trsf from CIC-BWIP		179,056		179,056	44,764	134,292	25.00%
38204	Trsf from Low/Mod BWIP		21,276		21,276	5,319	15,957	25.00%
38205	Tfr from CIC-Alameda Point		108,329		108,329	27,082	81,247	25.00%
38206	Trsf from Low/Mod APIP		2,667		2,667	667	2,000	25.00%
38211	Trsf from Gas Tax		1,067,500		1,067,500	266,875	800,625	25.00%
38213	Trsf from Traffic Safety		150,000		150,000	37,500	112,500	25.00%
382151	Trsf from Measure B		50,000		50,000		50,000	0.00%

GENERAL FUND REVENUES

EXHIBIT B

ACCT NO.	DESCRIPTION	PERCENT OF TOTAL	ORIGINAL EST. 2005-06	1st Qtr Adjustments	REVISED EST. 2005-06	ACTUAL 30-Sep-05	BALANCE TO COLLECT	PERCENT COLLECTED
38216	Trsf from Tidelands		121,175		121,175	16,544	104,631	13.65%
38224	Trsf from Parking Meters		163,947		163,947	28,487	135,460	17.38%
38227	Trsf from Comm'l Rev'l		1,406		1,406	352	1,055	25.00%
38256	Trsf from FISC Revenue		492,462		492,462	4,878	487,584	0.99%
382561	Trsf from FISC Catellus		0		0	118,237	(118,237)	#DIV/0!
38270	Trsf from Garbage Surcharge		121,861		121,861	2,215	119,646	1.82%
38273	Trsf from Curbside Recycling		19,937		19,937	4,984	14,953	25.00%
38274	Trsf from Waste Reduction		120,737		120,737	30,184	90,553	25.00%
38276	Trsf from Marina Cove		0	40,032	40,032		40,032	0.00%
38280	Trsf from Athletic Trust		97,863		97,863	24,466	73,397	25.00%
38351	Trsf from Urban Runoff		460,121		460,121	82,530	377,591	17.94%
38601	Trsf from Golf Course		351,691		351,691	80,423	271,268	22.87%
38602	Trsf from Sewer Service		324,078		324,078	81,020	243,059	25.00%
SUB TOTAL - CONTRIBUTIONS		6.20%	\$ 4,239,059	\$ 40,032	\$ 4,279,091	\$885,265	\$ 3,393,826	20.69%
TOTAL - GENERAL FUND		100.00%	\$ 68,610,023	\$ 363,302	\$ 68,973,325	\$ 11,762,654	\$ 57,210,671	17.05%
=====								
Fund 119	Equipment Replacement Depreciation		\$ 771,408		\$ 771,408	\$ 216,774	\$ 554,634	28.10%
=====								
GRAND TOTAL - GENERAL FUND			\$ 69,381,431	\$ 363,302	\$ 69,744,733	\$ 11,979,429	\$ 57,765,304	17.18%
=====								

		ORIGINAL				EXPENDITURES	BALANCE	PERCENT
		APPROPRIATIONS	First Qtr	Adjusted		Sep 30 2005	Sep 30 2005	EXPENDED
		2005-06	Adjustments	Appropriations		\$	\$	
GENERAL FUND			\$88,894	\$ 3,417,111		\$ 672,399	\$ 2,744,712	19.68%
PLAN/BUILDING SUB TOTAL:		\$ 3,328,217						
Public Works								
4205 Administration		\$ 372,558		\$ 372,558		\$ 96,048	\$ 276,510	25.78%
4215 Capital Projects Division		1,225,498		1,225,498		226,914	998,584	18.52%
4225 Land Development & Transportation Div.		1,086,143		1,086,143		188,587	897,556	17.36%
4230 Maintenance Services		2,299,860		2,299,860		479,001	1,820,859	20.83%
4245 Cable Television		52,949		52,949		6,553	46,396	12.38%
4290 Street Lighting		347,000		347,000		42,292	304,708	12.19%
4300 PW Annual Maintenance		993,000	5,587	998,587		71,551	927,036	7.17%
PUBLIC WORKS SUB TOTAL:		\$ 6,377,008	\$5,587	\$ 6,382,595		\$ 1,110,947	\$ 5,271,648	17.41%
Recreation Services								
5110 Recreation		\$ 1,644,413	\$13,270	\$ 1,657,683		\$ 394,864	\$ 1,262,819	23.82%
5120 Parks		1,485,557	51,962	1,537,519		422,845	1,114,674	27.50%
5150 Mastick Senior Center		465,874		465,874		93,370	372,504	20.04%
RECREATION/PARKS SUB TOTAL:		\$ 3,595,844	\$ 65,232	\$ 3,661,076		\$ 911,078	\$ 2,749,998	24.89%
Operating Sub-Total		\$ 62,768,584	\$ 833,612	\$ 63,602,196		\$ 14,397,646	\$ 49,204,550	22.64%
Capital Outlay Sub-Total		\$ 53,250		\$ 53,250		\$827	\$ 52,424	1.55%
Depreciation		\$ 771,408		\$ 771,408		\$192,852	\$ 578,556	25.00%

		ORIGINAL					EXHIBIT B	
		APPROPRIATIONS	First Qtr	Adjusted	EXPENDITURES	BALANCE	PERCENT	
		2005-06	Adjustments	Appropriations	Sep 30 2005	Sep 30 2005	EXPENDED	
GENERAL FUND								
Non-Departmental								
	Benefits for allocation		\$19,000	\$ 19,000				
	Alameda County - Tax Collection	\$ 150,000		\$ 150,000	\$ 0	\$ 150,000	0.00%	
	Museum-Space Rental	46,152		46,152	15,384	30,768	33.33%	
	Affordable Housing	1,000		1,000	250	750	25.00%	
	SSHRB	33,048		33,048	8,262	24,786	25.00%	
	Sub-total - Non-Departmental	\$ 230,200	\$19,000	\$ 249,200	\$ 23,896	\$ 206,304	9.59%	
Transfers out:								
	Debt Service - City Hall & Jail Facility & Carni	\$ 969,180		\$ 969,180	\$242,295	\$ 726,885	25.00%	
	Library	1,556,495	(11,930)	1,544,565	377,194	1,167,371	24.42%	
	Risk Management	810,000		810,000	202,500	607,500	25.00%	
	Post Retirement	1,441,778		1,441,778	360,445	1,081,334	25.00%	
	Capital Improvements (PW)	200,000		200,000	0	200,000	0.00%	
	Urban Runoff	65,000		65,000	16,250	48,750	25.00%	
	Sub-total - Transfers Out	\$ 5,042,453	\$ (11,930)	\$ 5,030,523	\$1,198,683	\$ 3,831,840	23.83%	
	TOTAL - GENERAL FUND	\$ 68,865,895	\$ 840,682	\$ 69,706,577	\$ 15,813,904	\$ 53,873,673	22.69%	
F119	Equipment Replacement Depreciation	\$ 515,537		\$ 515,537	220,918	\$ 294,619	42.85%	
	GRAND TOTAL - GENERAL FUND	\$ 69,381,432	\$ 840,682	\$ 70,222,114	\$ 16,034,822	\$ 54,188,292	22.83%	

SPECIAL REVENUE FUNDS		ESTIMATED		1st Qtr		ADJUSTED		ACTUAL		BALANCE		EXHIBIT C	
FUND#	DESCRIPTION	REVENUE	Adjustment	REVENUE	Est	30-Sep-05	TO COLLECT	PERCENT	COLLECTED				
835	1998 REVENUE BOND DEBT	\$ 2,100,000		\$ 2,100,000		\$0	\$ 2,100,000	0.00%					
836	1999 REVENUE BOND DEBT	3,500,000		3,500,000		96,900	3,403,100	2.77%					
468	2003 AP REV BOND DEBT	0		0		13,590	(13,590)	0.00%					
328	2003 AP REVENUE BOND	0		0		7,777	(7,777)	0.00%					
201.11	2003 CIC TAX ALLOC 2003A1	0		0		9,601	(9,601)	0.00%					
201.13	2003 CIC TAX ALLOC 2003A2	0		0		269,943	(269,943)	0.00%					
201.15	2003 CIC TAX ALLOC 2003B	0		0		7,784	(7,784)	0.00%					
465	2003 TAX ALLOC REF BWIP	0		0		471,631	(471,631)	0.00%					
266	AFFORDABLE HOUSING	75,500		75,500		89,450	(13,950)	118.48%					
858	ALAMEDA REUSE AND REDEVELOPMEN	13,227,406		13,227,406		3,936,661	9,290,745	29.76%					
117	AP & T REIMBURSABLES	0		0		2,634,917	(2,634,917)	0.00%					
219	ASSET SEIZURE FUNDS	15,000		15,000		0	15,000	0.00%					
280	ATHLETIC TRUST	1,560,501		1,560,501		477,756	1,082,745	30.62%					
278	BAYPORT AD 03-1	0	56,000	56,000		1,188	54,812	0.00%					
203	BUSINESS & WATERFRONT CIC PROJ.	3,343,558		3,343,558		0	3,343,558	0.00%					
310	CAPITAL IMPROVEMENT FUND	3,528,000	134,493	3,662,493		4,371,621	(709,128)	119.36%					
340.31	CDF- CEE TRAFIC SAFETY	0		0		134,608	(134,608)	0.00%					
340.32	CDF- CEE PARKS & REC	0		0		0	0	0.00%					
340.33	CDF- CEE PUBLIC FACILITIES	0		0		4,855	(4,855)	0.00%					
340.34	CDF- CEE PUBLIC SAFETY	0		0		4,453	(4,453)	0.00%					
703	CENTRAL GARAGE FUND	260,946		260,946		71,337	189,609	27.34%					
702	CENTRAL STORES FUND	898,336		898,336		172,692	725,644	19.22%					
360	CFD #1 - HARBOR BAY	71,200		71,200		0	71,200	0.00%					
361	CFD# 2 - PARAGON	100,000		100,000		0	100,000	0.00%					
204.5	CIC - HOUSING IN-LIEU FEE	1,053,058		1,053,058		272,909	780,149	25.92%					
206	CIC- AP/ IP LOWMOD INC HSG	136,367		136,367		0	136,367	0.00%					
205	CIC-ALAMEDA POINT	720,000		720,000		0	720,000	0.00%					
227	COMMERCIAL REVITALIZATION	356,485	4,936	361,421		42,649	318,772	11.80%					
236	COMMUNITY DEVELOPMENT	9,561,698		9,561,698		157,295	9,404,403	1.65%					
164	CONSTRUCTION IMPROVEMENT FUND	550,000		550,000		267,400	282,600	48.62%					
458	DEBT SERVICE - 84-3A	337,000		337,000		6,022	330,978	1.79%					
460	DEBT SERVICE - 84-3B	105,000		105,000		541	104,460	0.51%					
832	DEBT SERVICE - 89-1	3,652,000		3,652,000		0	3,652,000	0.00%					
860	DEBT SERVICE - CFD #1	1,496,000		1,496,000		9,687	1,486,313	0.65%					
462	DEBT SERVICE - CIC SUB BOND	556,461		556,461		139,115	417,346	25.00%					
461	DEBT SERVICE - CIC TAX ALLOC BOND	834,968		834,968		0	834,968	0.00%					
413	DEBT SERVICE - JAIL FACILITY	237,330		237,330		44,333	192,998	18.68%					
419	DEBT SERVICE - LIB & GOLF PROJ	375,325		375,325		93,831	281,494	25.00%					
421	DEBT SERVICE - LIBRARY BOND	651,950		651,950		68,669	583,281	10.53%					
861	DEBT SERVICE - PARAGON	206,000		206,000		0	206,000	0.00%					
464	DEBT SERVICE REFINANCE CITYHALL	826,850		826,850		206,713	620,138	25.00%					
713	DENTAL TRUST	609,698		609,698		390	609,308	0.06%					
221	DWELLING UNIT TAX FUND	175,000		175,000		50,600	124,400	28.91%					
621.1	FERRY SERVICE FUND	802,900		802,900		0	802,900	0.00%					
621.2	FERRY SERVICE FUND	1,468,408		1,468,408		20,831	1,447,577	1.42%					
256.1	FISC CATELLUS	10,179,757		10,179,757		25,983	10,153,774	0.00%					
256	FISC LEASE REVENUE BOND	775,000		775,000		423,459	351,541	54.64%					

SPECIAL REVENUE FUNDS		ESTIMATED		1st Qtr		ADJUSTED		ACTUAL		BALANCE		EXHIBIT C	
FUND#	DESCRIPTION	REVENUE	ADJUSTMENT	REVENUE	ADJUSTMENT	REVENUE	ADJUSTMENT	30-Sep-05	TO COLLECT	PERCENT	COLLECTED		
256.2	FISC CATELLUS PH II	2,999,100				2,999,100		0		2,999,100		0.00%	
270	GARBAGE SURCHARGE	160,000				160,000		29,167		130,833		18.23%	
211	GAS TAX FUNDS	1,417,500				1,417,500		115,494		1,302,006		8.15%	
601	GOLF ENTERPRISE FUND	5,427,430				5,427,430		1,561,029		3,866,401		28.76%	
265.1	HA SECTION 8 PROJECTS	0				0		350		(350)		0.00%	
313	HARBOR BAY AD # - 92-1	0				0		5,799		(5,799)		0.00%	
235	HOME FUND	325,435				325,435		0		325,435		0.00%	
115	HSG AUTH REIMB FUND	0				0		887,112		(887,112)		0.00%	
275.1	ISLAND CITY MTE DIST ZONE 1	0	4,800			4,800		240		4,560		5.00%	
275.2	ISLAND CITY MTE DIST ZONE 2	0	18,622			18,622		931		17,691		5.00%	
275.3	ISLAND CITY MTE DIST ZONE 3	0	16,760			16,760		838		15,922		5.00%	
275.4	ISLAND CITY MTE DIST ZONE 4	0	61,364			61,364		3,068		58,296		5.00%	
275.5	ISLAND CITY MTE DIST ZONE 5	0	770,830			770,830		35,971		734,859		4.67%	
275.6	ISLAND CITY MTE DIST ZONE 6	0	326,667			326,667		16,333		310,334		5.00%	
275.7	ISLAND CITY MTE DIST ZONE 7	0	16,650			16,650		3,683		12,968		22.12%	
317	LIBRARY CONSTRUCTION	0				0		5,084		(5,084)		0.00%	
210	LIBRARY FUND - OPERATIONS	2,869,152	11,025			2,880,177		547,121		2,333,056		19.00%	
204	LOW & MOD INCOME HSG - BWMP	816,983				816,983		0		816,983		0.00%	
202	LOW & MOD INCOME HSG - WECP	950,485				950,485		606		949,879		0.06%	
276	MARINA COVE MAINT DT 01-1	36,900	41,834			78,734		4,052		74,682		5.15%	
312	MARINA VILLAGE AD# - 89-1	0				0		13,134		(13,134)		0.00%	
215	MEASURE B	0				0		12,252		(12,252)		0.00%	
215.1	MEASURE B LOCAL ST & RD	1,335,889				1,335,889		256,852		1,079,038		19.23%	
215.2	MEASURE B BICYCLE PED IMP	180,557				180,557		33,911		146,646		18.78%	
215.3	MEASURE B TRANSBAY FERRY	753,307				753,307		142,346		610,961		18.90%	
215.4	MEASURE B PARATRANSIT	138,088				138,088		26,369		111,719		19.10%	
215.5	MEASURE B PARATRANSIT	0				0		20		(20)		0.00%	
215.6	MEASURE B GAP FUNDING	0				0		(6,890)		6,890		0.00%	
224	PARKING METER FUND	465,000				465,000		112,359		352,641		24.16%	
801	POLICE AND FIRE - PLAN 1079	2,275,800				2,275,800		773,890		1,501,910		34.01%	
802	POLICE AND FIRE - PLAN 1082	700,000				700,000		9,971		690,029		1.42%	
161	POLICE/FIRE IMPACT FEES	35,000				35,000		25,408		9,592		72.59%	
720	POST EMPLOYMENT FUND	1,441,778				1,441,778		363,103		1,078,675		25.18%	
285	PUBLIC ARTS	0	34,750			34,750		16,341		18,409		0.00%	
249	REHAB REPAYMENT FUND	203,332				203,332		103,264		100,068		50.79%	
712	RISK MANAGEMENT	1,097,912				1,097,912		316,194		781,718		28.80%	
620	SENIOR CITIZENS TRANSPORTATION	138,102				138,102		(6,290)		144,392		(4.55%)	
602	SEWER ENTERPRISE FUND	5,841,955				5,841,955		292,008		5,549,947		5.00%	
267	SSHRB	48,048				48,048		(22,724)		70,772		(47.30%)	
466	TAX ALLOC BONDS -MERGED PROJECT	2,970,521				2,970,521		742,871		2,227,650		25.01%	
704	TECHNOLOGY SERVICE FUND	654,552				654,552		344,968		309,584		52.70%	
216	TIDELANDS TRUST	150,000				150,000		11,598		138,402		7.73%	
213	TRAFFIC SAFETY FUND	150,000				150,000		26,392		123,609		17.59%	
350	TRANSPORTATION IMP FUND	332,000				332,000		46,163		285,837		13.90%	
715	UNEMPLOYMENT	30,545				30,545		7,636		22,909		25.00%	
351	URBAN RUNOFF	2,846,018				2,846,018		116,676		2,729,342		4.10%	
274	WASTE MANAGEMENT/RECYCLING	703,869				703,869		154,439		549,430		21.94%	
201	WEST END COMM. IMP PROJ.	3,952,144				3,952,144		0		3,952,144		0.00%	

	SPECIAL REVENUE FUNDS										EXHIBIT C
FUND#	DESCRIPTION	ESTIMATED REVENUE	1st Qtr Adjustment	ADJUSTED REVENUE EST	ACTUAL 30-Sep-05	BALANCE TO COLLECT	PERCENT COLLECTED				
711	WORKERS COMPENSATION TRUST	1,405,717		1,405,717	335,002	1,070,715	23.83%				
TOTAL: SPECIAL FUNDS		\$ 107,200,821	\$ 1,498,731	\$ 108,699,552	\$ 21,851,328	\$ 86,848,225	20.38%				
TOTAL: GENERAL FUND		\$ 69,381,431	\$363,302	\$ 69,744,733	\$11,979,429	\$ 57,402,002	17.27%				
GRAND TOTAL: ALL FUNDS		\$ 176,582,252	\$1,862,033	\$ 178,444,285	\$33,830,756	\$ 144,250,227	19.16%				

SUMMARY OF ADJUSTMENTS		
Revenue	Appropriations	Fund
	\$ 35,000	CIT - Per CM, additional funding for Police/Cityhall repaving
11,025	11,025	Library - to appropriate for literacy program
4,936	4,936	Commercial revitalization - wireless telecom site #2 project funded by developer
	229,596	CDBG - new unit development per council approval
	327,155	Waste Mgmt - to correct budget oversight
1,215,693	1,490,316	Island Maintenance - per council approval
41,834	78,734	Marina Cove - to appropriate for maintenance costs
50,000	50,000	CIP - additional cost for Webster St bus shelter
35,000	35,000	CIP - additional cost for police/cityhall paving
49,493	49,493	CIP - appropriation for Spartina eradication per council
	11,400	Urban runoff - to fund spartina eradication project per council
	7,500	Technology Fund - additional fund'g for city wide data sharing
56,000		Bayport Assessment District - Estimated revenue
	6,396	Personnel costs adjustments - Development Services
	13,095	Personnel costs adjustments - Waste Management
34,750	19,006	Public Art Fund - correct budgeting oversight
		CIP Rollovers
	599,200	Construction Improvement Tax
	122,866	Gas Tax
	231,209	Meas. B.
	499,047	Meas. B. Streets & Roads
	73,803	Meas. B Bicycle & Pedestrian
	459,737	Meas. B. Ferry
	36,000	Meas. B. Discretionary
	46,059	Dwelling Unit Tax
	6,233	Transportation Improvement Fund
	1,118,621	Urban Runoff
	50,000	Sanitary Sewer
		Maintenance Rollovers
	60,279	Construction Improvement Tax
	45,806	Tidelands Trust
	7,435	Parking Meter Fund
	63,060	Urban Runoff
\$ 1,498,731	\$ 5,788,007	Total Fund Adjustment

SUMMARY ANALYSIS OF FUNDS									
FY 05-06									
As of September 30, 2005									
FUND	DESCRIPTION	Unaudited Fund Balance 6/30/2005	Estimated Revenue	Actual Revenue	Appropriations	Expenses	FY 05-06 Estimated Net Change	Estimated Fund Balance 6/30/2006	
		(a)	(b)	(c)	(d)	(e)	f = b - d	g = a - f	
General Fund Group:									
001	General Fund	\$ 16,882,277	\$ 68,973,325	\$11,762,654	\$ 69,706,577	\$15,813,904	\$ (733,252)	\$ 16,149,025	
119	Equipment Replacement	2,523,058	771,408	216,774	515,537	220,918	255,871	2,778,929	
	Total General Fund	\$ 19,405,335	\$ 69,744,733	\$11,979,429	\$ 70,222,114	\$16,034,822	\$ (477,381)	\$ 18,927,954	
Special Revenue Fund Group:									
161	Police/Fire Const. Impact	\$ 53,379	\$ 35,000	\$25,408	\$ 35,000	\$ 8,750	\$0	\$ 53,379	
115	Housing Authority Reimbursable	0	0	667,112	0	667,112	0	0	
117	AP & T Reimbursable	0	0	2,634,917	0	2,635,017	0	0	
164	Const Improvement Fund	1,013,302	550,000	267,400	1,209,479	0	(659,479)	353,823	
201	CIC-WECIP	2,384,469	3,952,144	0	4,504,470	935,881	(552,326)	1,832,143	
201.11	2003 CIC Tax Allo 2003A1	5,827,812	0	9,601	1,050,000	4,678	(1,050,000)	4,777,812	
201.13	2003 CIC Tax Allo 2003A2	19,483,978	0	269,943	12,756,000	278,877	(12,756,000)	6,727,978	
201.15	2003 CIC Tax Allo 2003B	4,743,748	0	7,784	0	4,229	0	4,743,748	
202	CIC-WECIP Housing	497,567	950,485	606	981,242	338,250	(30,757)	466,810	
203	CIC-BWIP	(20,277)	3,343,558	0	3,527,573	701,231	(184,015)	(204,292)	
204	CIC-BWIP Housing	133,217	816,983	0	736,028	133,814	80,955	214,172	
204.4	CIC-BWIP Hsg 2002 Bond Procee	578,016	0	0	500,000	0	(500,000)	78,016	
204.5	CIC-Housing In-Lieu Fee	428,633	1,053,058	272,909	1,146,591	35,000	(93,533)	335,100	
205	CIC-APIP	(1,527,839)	720,000	0	601,173	87,001	118,827	(1,409,012)	
206	CIC-APIP Housing	308,414	136,367	0	98,996	16,755	37,371	345,785	
210	Alameda City Library Fund	68,699	2,880,177	547,121	2,880,177	647,513	0	68,699	
211	Gas Tax Fund	72,161	1,417,500	115,494	1,540,366	266,875	(122,866)	(50,705)	
213	Traffic Safety Fund	0	150,000	26,392	150,000	37,500	0	0	
215	County Measure B Fund	691,902	0	12,252	231,209	0	(231,209)	460,693	
215.1	Measure B - Local St & Rd	1,333,417	1,335,889	256,852	1,845,047	0	(509,158)	824,259	
215.2	Measure B - Bicycle Ped Imp	103,186	180,557	33,911	333,803	0	(153,246)	(50,060)	
215.3	Measure B - Transbay Ferry	656,290	753,307	142,346	1,173,737	0	(420,430)	235,860	
215.4	Measure B - Para Transit	258,000	138,088	26,369	138,102	0	(14)	257,986	
215.5	Measure B - Capital Projects	110,721	0	20	0	110,741	0	110,721	
215.6	Measure B - Gap Funding	0	0	(6,890)	36,000	(6,890)	(36,000)	(36,000)	
215.7	Measure B - New County Prog	0	0	0	0	0	0	0	
216	Tidelands Fund	903,773	150,000	11,598	188,899	23,608	(38,899)	864,874	
219	Narcotics Asset Seizure	(83,273)	15,000	0	15,000	0	0	(83,273)	
221	Dwelling Unit Fund	42,840	175,000	50,600	219,059	0	(44,059)	(1,219)	

SUMMARY ANALYSIS OF FUNDS									
FY 05-06									
As of September 30, 2005									
FUND	DESCRIPTION	Unaudited Fund Balance 6/30/2005	Estimated Revenue	Actual Revenue	Appropriations	Expenses	FY 05-06 Estimated Net Change	Estimated Fund Balance 6/30/2006	
		(a)	(b)	(c)	(d)	(e)	f = b - d	g = a - f	
223	Parking In-Lieu Fund	72,038	0	0	0	0	0	72,038	
224	Parking Meter Fund	1,306,675	465,000	112,359	230,117	46,176	234,883	1,541,558	
225	TSM/TDM Fund	18,303	0	0	0	0	0	18,303	
227	Commercial Revitalization	509,639	361,421	42,649	310,092	10,633	51,329	560,968	
235	Home Fund	0	325,435	0	0	0	325,435	325,435	
236	CDBG	0	9,561,698	157,295	9,589,022	238,363	(27,324)	(27,324)	
248	Home Repymt Fund	0	0	0	0	0	0	0	
249	Rehab Repayment Fund	842,294	203,332	103,264	203,332	115,363	0	842,294	
256	FISC Lease Revenue Fund	(2,500,781)	775,000	423,459	674,809	32,688	100,191	(2,400,590)	
256.1	FISC - Catellus	(2,072,406)	10,179,757	25,983	2,999,100	0	7,180,657	5,108,251	
256.2	FISC - Catellus Ph II	0	2,999,100	0	4,654,266	415,491	(1,655,166)	(1,655,166)	
259	Vehicle Registr. AB434	37,722	0	0	0	0	0	37,722	
265	Housg Developmt-HA Reimb	0	0	0	0	0	0	0	
265.1	HA Section 8 Projects	104,736	0	350	0	0	0	104,736	
266	Affordable Housing	218,365	75,500	89,450	267,065	12,952	(191,565)	26,800	
267	Human Services	9,113	48,048	(22,724)	48,048	22,022	0	9,113	
268	CHRO/LEAD	21,970	0	0	0	5,000	0	21,970	
270	Garbage Subcharge Fund	472,232	160,000	29,167	124,694	2,924	35,306	507,538	
273	Curbside Recycling	188,883	0	0	19,939	4,985	(19,939)	188,944	
274	Waste Reduction Subcharge	4,159,188	703,869	154,439	749,552	132,920	(45,683)	4,113,505	
275.1	Island City Maint 84-2 Z1	10,956	4,800	240	11,520	223	(6,720)	4,236	
275.2	Island City Maint 84-2 Z2	63,622	18,622	931	79,090	1,570	(60,468)	3,154	
275.3	Island City Maint 84-2 Z3	64,788	16,760	838	77,859	1,570	(61,099)	3,689	
275.4	Island City Maint 84-2 Z4	49,197	61,364	3,068	124,870	990	(63,506)	(14,309)	
275.5	Island City Maint 84-2 Z5	260,027	770,830	35,971	814,710	148,110	(43,880)	216,147	
275.6	Island City Maint 84-2 Z6	237,647	326,667	16,333	351,667	64,829	(25,000)	212,647	
275.7	Island City Maint 84-2 Z7	25,516	16,650	3,683	30,600	0	(13,950)	11,566	
276	Marina Cove Maint Dist 01-1	165,002	78,734	4,052	118,766	1,000	(40,032)	124,970	
278	Bayport AD 03-1	55,662	56,000	1,188	0	500	56,000	111,662	
280	Athletic Fund	450,975	1,560,501	477,756	1,434,080	536,053	126,421	577,396	
285	Public Art Fund	15,065	34,750	16,341	19,006	27	15,744	30,809	
620	Sr Citizen Transportation	26,022	138,102	(6,290)	138,102	7,307	0	26,022	
858	Alameda Reuse & Redevelop	5,063,826	13,227,406	3,936,661	11,415,134	1,513,219	1,812,272	6,876,098	
876	Dike Maintenance Fund	318,164	0	0	0	0	0	318,164	
	Total Special Revenue Fund	\$ 48,256,572	\$ 60,922,459	\$ 10,978,207	\$ 70,383,391	\$ 10,240,855	\$ (9,460,932)	\$ 38,795,640	

SUMMARY ANALYSIS OF FUNDS									
FY 05-06									
As of September 30, 2005									
FUND	DESCRIPTION	Unaudited Fund Balance 6/30/2005	Estimated Revenue	Actual Revenue	Appropriations	Expenses	FY 05-06 Estimated Net Change	Estimated Fund Balance 6/30/2006	
		(a)	(b)	(c)	(d)	(e)	f = b - d	g = a - f	
Capital Project Fund Group:									
302	Waste Water Capital Reserve	\$ 8,135						\$ 8,135	
310	Capital Improvement Proj.	12,365,738	3,662,493	4,371,621	3,746,556	5,213,636	(84,063)	12,281,675	
310.1	FISC Catellus Traffic Fee	390,404					0	390,404	
312	Marina Village A.D. 89-1	2,538,556	0	13,134	0	0	0	2,538,556	
313	H.B.I. 92-1 Assessmt Dist	1,087,170	0	5,799	0	0	0	1,087,170	
317	Library Construction Fund	1,202,088	0	5,084	0	64,384	0	1,202,088	
318	Open Space Improvement Fund	903,486	0	0	0	0	0	903,486	
328	2003 AP Rev Bond Project Fund	1,281,576	0	7,777	0	(177,280)	0	1,281,576	
340.11	CDF-WE Traffic Safety	520,148	0	0	0	0	0	520,148	
340.12	CDF-WE Parks & Rec	8,506	0	0	0	0	0	8,506	
340.13	CDF-WE Public Facilities	14,955	0	0	0	0	0	14,955	
340.14	CDF-WE Public Safety	12,692	0	0	0	0	0	12,692	
340.21	CDF-NW Traffic Safety	220,115	0	0	0	0	0	220,115	
340.22	CDF-NW Park & Recreation	127,498	0	0	0	0	0	127,498	
340.23	CDF-NW Public Safety	25,249	0	0	0	0	0	25,249	
340.24	CDF-NW Public Safety	12,030	0	0	0	0	0	12,030	
340.31	CDF-CEE Traffic Safety	20,192	0	134,608	0	0	0	20,192	
340.32	CDF-CEE Parks & Recreation	10,860	0	0	0	0	0	10,860	
340.33	CDF-CEE Public Facilities	2,237	0	4,855	0	0	0	2,237	
340.34	CDF-CEE Public Safety	1,069	0	4,453	0	0	0	1,069	
340.41	CDF-BF Traffic Safety	13,959	0	0	0	0	0	13,959	
340.42	CDF-BF Parks & Recreation	45,546	0	0	0	0	0	45,546	
340.43	CDF-BF Public Facilities	8,668	0	0	0	0	0	8,668	
340.44	CDF-BF Public Safety	4,145	0	0	0	0	0	4,145	
350	Transportation Impmt. Fund	481,006	332,000	46,163	192,233	0	139,767	620,773	
351	Urban Runoff	4,105,168	2,846,018	116,676	3,078,815	368,548	(232,797)	3,872,371	
360	CFD #1 Harbor Bay	212	71,200	0	0	0	71,200	71,412	
361	CFD #2 Paragon Gateway	461,263	100,000	0	0	0	100,000	561,263	
	Total Capital Project Fund	\$ 25,872,671	\$ 7,011,711	\$ 4,710,169	\$ 7,017,604	\$ 5,469,288	\$ (5,893)	\$ 25,866,778	
Debt Service Fund Group:									
413	Debt Svc-1990 Police Bldg	\$ 234,081	\$ 237,330	\$ 44,333	\$ 237,330	\$ 185,355	\$ 0	\$ 234,081	

SUMMARY ANALYSIS OF FUNDS									
FY 05-06									
As of September 30, 2005									
FUND	DESCRIPTION	Unaudited Fund Balance 6/30/2005	Estimated Revenue	Actual Revenue	Appropriations	Expenses	FY 05-06 Estimated Net Change	Estimated Fund Balance 6/30/2006	
		(a)	(b)	(c)	(d)	(e)	f = b - d	g = a - f	
419	Debt Svc-Library/Golf Proj	616,780	375,325	93,831	375,325	0	0	616,780	
421	Debt Svc-Library Bond 2003	453,430	651,950	68,669	651,950	404,000	0	453,430	
461	Debt Svc-Debt Serv CIC Tx All Bd	0	834,968	0	834,968	0	0	0	
462	Debt Svc-CIC Sub Bond	534,547	556,461	139,115	556,461	153,231	0	534,547	
464	Debt Svc-Refin CityHall 2002	1,532,387	826,850	206,713	826,850	0	0	1,532,387	
465	Debt Svc 2003 Tax Allo Refd BWIP	1,450,450	0	471,631	0	417,571	0	1,450,450	
466	Debt Svc 2003 CIC Tax Alloc Bd	4,221,822	2,970,521	742,871	2,970,521	1,245,231	0	4,221,822	
468	Debt Svc 2003 AP Rev Bond	2,403,885	0	13,590	0	59,547	0	2,403,885	
	Total Debt Service Fund	\$ 11,447,381	\$ 6,453,405	\$ 1,780,752	\$ 6,453,405	\$ 2,464,935	\$ -	\$ 11,447,381	
Enterprise Fund Group:									
601	Golf Course Fund	\$ 7,664,761	\$ 5,427,430	\$ 1,561,029	\$ 5,684,761	\$ 1,145,351	\$ (257,331)	\$ 7,407,430	
602	Sewer Service Fund	44,607,411	5,841,955	292,008	4,247,039	751,402	1,594,916	46,202,327	
621	Ferry Service Fund	9,641,546	0	0	0	0	0	9,641,546	
621.1	East End Ferry	38,564	802,900	0	802,900	311,608	0	38,564	
621.2	West End Ferry	271,349	1,468,408	20,831	1,468,408	302,059	0	271,349	
	Total Enterprise Fund	\$ 62,223,631	\$ 13,540,693	\$ 1,873,868	\$ 12,203,108	\$ 2,510,421	\$ 1,337,585	\$ 63,561,216	
Internal Service Fund Group:									
702	Central Stores Fund	\$ 37,253	\$ 898,336	\$ 172,692	\$ 46,500	\$ 156,828	\$ 851,836	\$ 889,089	
703	Central Garage Fund	47,271	260,946	71,337	7,500	61,041	253,446	300,717	
704	Technology Serv Fund	276,948	654,552	344,968	704,038	153,698	(49,486)	227,462	
711	Worker's Comp Self Insur	(4,839,381)	1,405,717	335,002	3,323,924	828,544	(1,918,207)	(6,757,588)	
712	Risk Management Fund	1,068,791	1,097,912	316,194	2,240,003	881,784	(1,142,091)	(73,300)	
713	Dental Insurance Fund	(34,241)	609,698	390	610,000	0	(302)	(34,543)	
715	Unemployment Insurance	25,219	30,545	7,636	31,000	10,572	(455)	24,764	
716	Post Employment Fund	0	1,441,778	363,103	1,441,778	326,694	0	0	
	Total Internal Service Fund	\$ (3,418,139)	\$ 6,399,484	\$ 1,611,322	\$ 8,404,743	\$ 2,419,162	\$ (2,005,259)	\$ (5,423,398)	

SUMMARY ANALYSIS OF FUNDS										Exhibit
FY 05-06										
As of September 30, 2005										
Unaudited										
FUND	DESCRIPTION	Estimated Revenue	Actual Revenue	Appropriations	Expenses	FY 05-06 Estimated Net Change	Estimated Fund Balance 6/30/2006			
		(a)	(b)	(c)	(d)	(e)	f = b - d	g = a - f		
Trust & Agency Fund Group:										
458	Debt Svc for 508 84-3A	\$ 619,746	\$ 337,000	\$ 6,022	\$ 330,000	\$ 0	\$ 7,000	\$ 626,746		
460	Debt Svc for 510 84-3B	205,870	105,000	541	101,480	96,900	3,520	209,390		
801	Police/Fire Pension 1079	0	2,275,800	773,890	2,275,800	773,890	0	0		
802	Police/Fire Pension 1082	0	700,000	9,971	700,000	9,971	0	0		
832	Debt Svc for 512 89-1	6,187,833	3,652,000	0	3,499,515	0	152,485	6,340,318		
833	Debt Svc for 513 92-1	316	0	0	0	0	0	316		
835	1998 Revenue Bond Debt Fd	20,720,426	2,100,000	0	2,812,119	2,367,315	(712,119)	20,008,307		
836	1999 Revenue Bond Debt Fd	27,341,850	3,500,000	96,900	3,629,858	3,117,434	(129,858)	27,211,992		
860	Assessment District CFD#1	3,053,754	1,496,000	9,687	1,521,710	989,345	(25,710)	3,028,044		
861	Assessment District CFD#2	1,630,792	206,000	0	178,905	135,818	27,095	1,657,887		
Total Trust & Agency Fund		\$ 59,760,586	\$ 14,371,800	\$ 897,010	\$ 15,049,387	\$ 7,490,671	\$ (677,587)	\$ 59,082,999		
GRAND TOTAL		\$ 223,548,037	\$ 178,444,285	\$ 33,830,756	\$ 189,733,752	\$ 46,630,154	\$ (11,289,467)	\$ 212,258,570		
Memo only										
Housing Authority										
Alameda Power & Telecom			\$ 26,532,930		\$ 27,246,100					
			69,658,047		69,640,728					
All Inclusive Total			\$ 274,635,262		\$ 286,620,580					

Proclamation

- WHEREAS,** in the early 1990s, the Park Street Business Association was organized to focus on the revitalization of the Park Street Business District; and
- WHEREAS,** in 1991, the Business and Waterfront Improvement Project was created to also assist in the revitalization of the Park Street Business District; and
- WHEREAS,** over the past decade, many projects have occurred in the Business District that have helped move it toward the goal of being a revitalized shopping district with a full inventory of both goods and services; and
- WHEREAS,** one of the most significant projects undertaken to date is that of the "Marketplace" in the 1600 block of Park Street, a creative reuse of a former auto dealership which had sat vacant for several years that has now evolved into a beautifully showcased "California Shopping Experience"; and
- WHEREAS,** the Marketplace is a shining example of comprehensive and sensitively accomplished downtown renovation that has greatly contributed to the overall revitalization of the Park Street Business District; and
- WHEREAS,** this stellar project is the result of the dedication, hard work and forward thinking of Ms. Donna Layburn, Mr. Paul Hossack, and Mr. Gerald Mackey, the developers of the Marketplace.

NOW, THEREFORE, BE IT RESOLVED that we, the Mayor and City Council of the City of Alameda, do hereby express our thanks to Ms. Layburn and Messrs. Hossack and Mackey and do hereby proclaim November 1, 2005

Donna Layburn, Paul Hossack, & Gerald Mackey Appreciation Day

in the City of Alameda and urge the citizens of Alameda to join us in thanking them for their contribution to the revitalization of the Park Street Business District.

Mayor Beverly J. Johnson

Vice Mayor Marie Gilmore

Councilmember Tony Daysog



Councilmember Doug deHaan

Councilmember Frank Matarrese

Proclamation 3-A

11-01-05

CITY OF ALAMEDA
Memorandum

To: Honorable Mayor and
Councilmembers

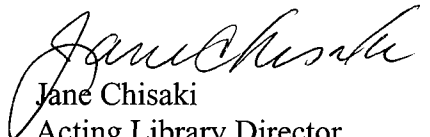
From: Debra Kurita
City Manager

Date: October 20, 2005

Re: New Main Library Project Update

Attached to this memorandum is the November 1, 2005, Library Construction Report.

Respectfully submitted,



Jane Chisaki
Acting Library Director

Attachment

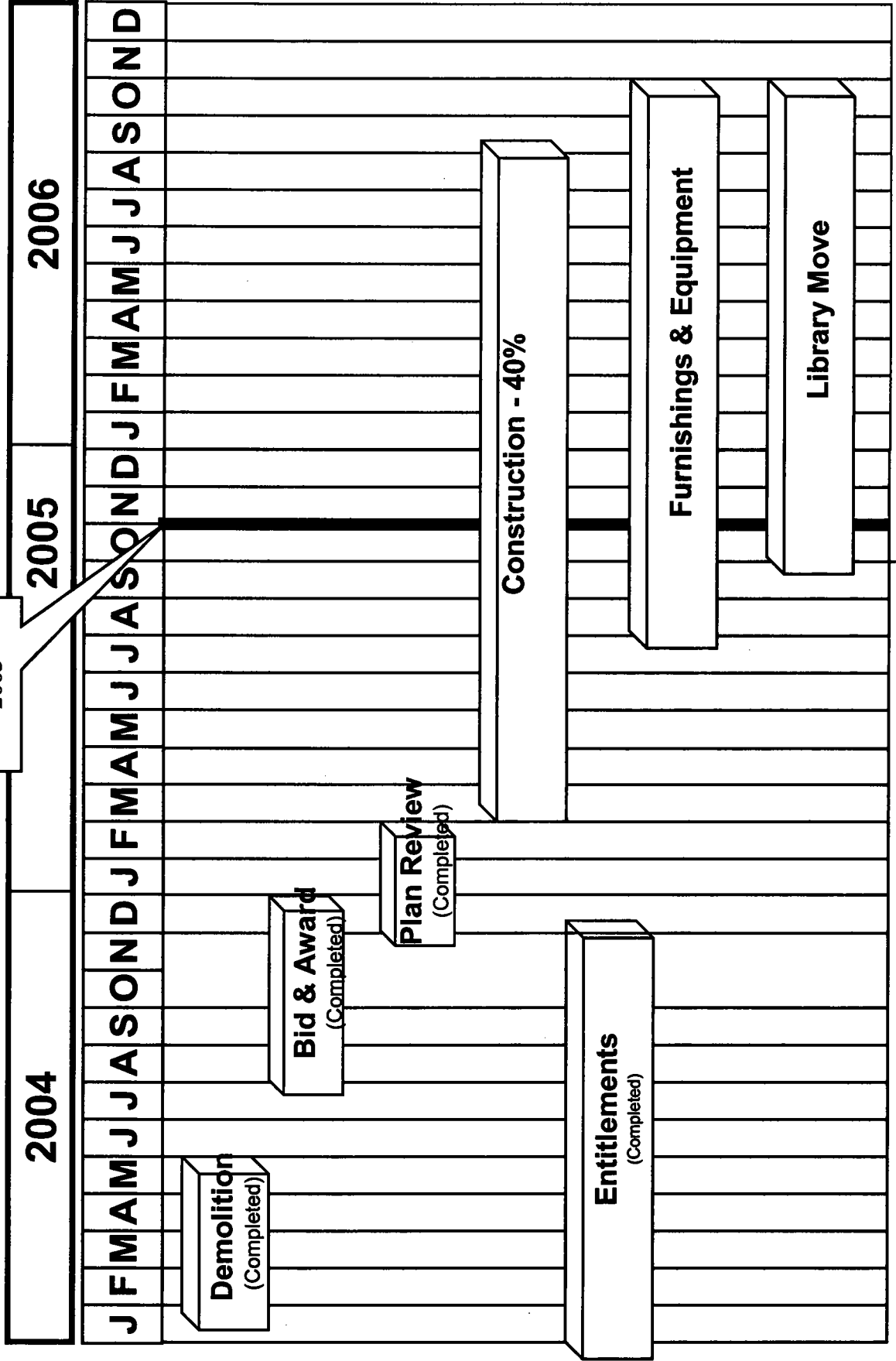
Report 3-B
11-01-05

Library Construction Report

November 1, 2005

Library Project Timeline

Status as of
November 1,
2005



Construction

- The Library webcam will operate throughout the project. It is available on the Library's and the City's websites.
- Notice to Proceed was issued on March 14, with substantial completion scheduled for September 5, 2006.
- Second half of second floor wall forms were installed on October 19th.
- Second floor walls will be completed by October 21st.
- Final steel to be installed on October 24th (Oak St. Closed).
- Overhead Mechanical, Electrical, and Plumbing (MEP) to be completed by November 5th.
- The structure is scheduled to be weathertight by December 2005.
- The project remains on schedule.

Furnishings and Equipment Procurement

- Planning process for FF&E has begun.

Library Move

- Planning process for move has begun.

Library Opening

- The opening of the Main Library is tentatively scheduled for October 2006.

Budget

- The budget report, including supplemental funding sources, is attached.

**Budget for Alameda Free Library - New Main Library Project
Inception to date through the month of: September 2005**

Sources of Budgeted Funds	Budget
State Grant	\$15,487,952.00
Measure O	8,000,000.00
Contributions	10,000.00
Supplemental Funding:	
Interest Earned on Measure O Funds	160,000.00
Stafford Bequest	745,297.00
Redevelopment Funding	2,000,000.00
Additional Measure O Funds	670,000.00
Alameda County Waste Management Grant	75,000.00
Recycled Content Grant from Public Works	20,000.00
Sources Subtotal:	27,168,249.00
Expenditures to date:	10,694,611.00
Balance Available:	16,473,638.00
Change Orders:	
Total contingency	1,740,000.00
Change orders to date ¹	(146,796.00)
Current change order	72,602.00
Revised contingency amount	1,665,806.00

¹Up to \$95,000 in grant funding will be used to offset this change order

UNAPPROVED MINUTES
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 18, 2005- -5:00 P.M.

Mayor Johnson convened the Special Meeting at 5:00 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-) Conference with Labor Negotiators - Agency Negotiator:
Beverly Johnson; Employee: City Attorney.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that the Council gave direction to the labor negotiator.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 6:50 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY - - - OCTOBER 18, 2005 - - - 5:15 P.M.

The following open session of the City Council was not held:

(05-) Conference with labor negotiators - Agency Negotiators:
Vice Mayor Marie Gilmore and Councilmember Frank Matarrese;
Employee: City Attorney. **Not heard.**

(05-) Consideration of City Attorney contract. **Not heard.**

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 18, 2005- -6:40 P.M.

(05-____) Conference with Real Property Negotiators; Property: 2900 Main Street; Negotiating Parties: City of Alameda and Alameda Gateway, Ltd; Under Negotiation: Price and terms. **Not heard.**

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED MINUTES

MINUTES OF THE REGULAR CITY COUNCIL MEETING TUESDAY - - OCTOBER 18, 2005 - - 7:30 P.M.

Mayor Johnson convened the Regular Meeting at 8:33 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-) Proclamation declaring the month of October as Disability Awareness Month.

Mayor Johnson read and presented the proclamation to Ed Cooney, member of the Commission on Disability Issues.

Mr. Cooney thanked the Council for the proclamation and for recognizing the value of people who live with disabilities.

CONSENT CALENDAR

Vice Mayor Gilmore moved approval of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*05-) Minutes of the Special and Regular City Council Meetings held on October 4, 2005, and Special City Council Meeting held on October 5, 2005. Approved.

(*05-) Ratified bills in the amount of \$2,008,412.36.

(*05) Recommendation to authorize execution of a Contract with Southern California Risk Management Associates for Third Party Administrator Services for the City's Workers' Compensation Program. Accepted.

(*05-) Recommendation to award Abandoned Vehicle Towing Contract to A & B Towing. Accepted.

(*05-) Resolution No. 13902, "Approving and Adopting the Disadvantaged Business Enterprise Program Overall Annual Goal of 11% for Federal Fiscal Year 2005-2006." Adopted.

REGULAR AGENDA ITEMS

(05) Resolution No. 13903, "Appointing Avonnet M. Peeler as a Member of the Civil Service Board." Adopted;

(05- A) Resolution No. 13904, "Appointing Audrey M. Lord-Hausman as a Member of the Commission on Disability Issues." Adopted; and

(05- B) Resolution No. 13905, "Appointing Janet W. Iverson as a Member of the Historical Advisory Board. (Landscape Architect, Architect, Building Design Seat)." Adopted.

Vice Mayor Gilmore moved adoption of the resolutions.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath and presented Ms. Peeler with a certificate of appointment.

(05-) Recommendation to approve the proposed change in roof color for the Alameda Free Library - New Main Library Project, No. P.W. 01-03-01.

The Project Manager gave a brief presentation.

Mayor Johnson inquired whether the architect recommended a roof color.

The Project Manager responded that the architect favored the lighter gray, but would be comfortable with either gray; stated the lighter gray has more reflectivity and would keep the structure cooler.

Mayor Johnson inquired whether the Library Building Team (LBT) had a strong color preference.

The Assistant City Manager responded that the darker gray color was the LBT's unanimous selection.

Councilmember Matarrese requested a report outlining items removed through value engineering; requested a run down of cost differences; stated that copper roofs are extremely durable; inquired whether the proposed roof would have yearly maintenance.

The Project Manager responded that the proposed roof would not

require annual maintenance; the roof and paint materials have a 25-year guarantee; the architect stated that a coating could be applied if the paint starts to fade after 25 years; cleaning, priming and repainting would be done after 25 years and an additional 25 years would be guaranteed; the cost is between \$3 and \$6 per square foot, which would amount to approximately \$25,000 to \$30,000.

Mayor Johnson inquired what was the cost difference between a copper roof and the proposed roof.

The Project Manager responded the cost difference is approximately \$60,000; stated the copper roof was a deductive alternative in the bid package; the architect put in a series of deductive alternatives and add alls in response to budget concerns; the roofing deductive alternative was an approximate \$20,000 value; all add alls were rejected and all deductive alternatives were accepted.

Mayor Johnson inquired whether the cost difference for installing the cooper roof was \$60,000.

The Project Manager responded in the negative; stated the value engineering cost was \$60,000; there is currently no price on the installation of a copper roof; the contractor stated that work would need to be stopped for 45-65 days until the current subcontract was extinguished, a new subcontract was executed, materials were acquired, and the roof installed; the contractor wants to start putting in the heating and cooling duct work; the duct work could get wet if installed before closing the building.

Councilmember deHaan inquired what was the roof's base metal.

The Project Manager provided a handout; responded that the base metal is 24 gage galvalume steel composed of 45% zinc and 55% aluminum.

Councilmember deHann inquired whether there would be deterioration of the base metal if the protective shield was off.

The Project Manager responded in the affirmative; stated the color coating was also warranted for 25 years.

Councilmember deHaan stated that copper roofs bleed; inquired whether copper could stain the structure.

The Project Manager responded that staining could potenmtially occur.

Councilmember deHaan stated that copper has a tendency to move;

inquired whether the movement would cause problems with sealing.

The Project Manager responded that he did not know; stated that copper moves from heat; the City of Palo Alto declared copper roofs illegal in 2003; the run off from copper roofs are toxic for aquatic life.

Councilmember deHaan moved to approval of the staff recommendation.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Vice Mayor Gilmore stated that the schedule would not be impacted by the change.

The Project Manager stated that he has until 8:00 a.m. tomorrow to make the change; the City has 14 days to accept or deny a change when a contractor or sub-contractor submits something for review.

Councilmember Matarrese stated that it is critical that the LBT and the Council receive the report on what items were removed through value engineering ahead of time.

Mayor Johnson inquired whether the project is ahead of schedule and on budget, to which the Project Manager responded in the affirmative.

The Assistant City Manager stated that the report requested by Councilmember Matarrese would be provided within a week.

Councilmember Matarrese stated that the City is building a structure that is expected to last 100 years; putting items back in that were removed through value engineering should be considered; he does not want to miss the boat on adding in anything that was taken out for budget reasons.

The Project Manager stated that staff is continuing to address the matter; IT structure issues have been identified; staff is aware of on-going maintenance issues.

Councilmember Matarrese stated that Council needs to be aware of any changes; noted tonight is the first time he heard about an IT change.

The Project Manager stated the IT change was regarding the furniture floor boxes; generally issues would be brought to the Council at a change order stage.

Councilmember Matarrese stated that the IT change would be helpful to have in a written report for reference.

(05-) Recommendation to authorize payment for and ratification of an open market purchase from Leader Industries of an ambulance in the amount of \$142,743.35.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL COMMUNICATIONS

(05-) Councilmember deHaan stated that the new owners of the Harbor Island Apartments have outlined how they are going to operate the new complex; he feels comfortable with the new owners; the curb strip on Appezzato Parkway needs to be addressed; planting trees is important to balance the community in spite of existing litigation; the area is high density and lends itself to transportation alternatives; the City should make every effort to properly indoctrinate the new population and the virtues of public transportation in a meaningful way; inquired how staff was addressing the issues.

Mayor Johnson noted that someone mentioned to her that there was a bus stop along the dirt area on Appezzato Parkway; people have to walk through the mud to get to the bus stop in the winter months; requested staff to investigate the matter.

Councilmember deHaan stated that the bus shelter is one of the cheaper shelters and only has two seats; bus shelter accommodations should be better.

(05-) Councilmember deHaan stated that there is a new spirit at the League of California Cities because of Propositions 1A and 76; 84% percent of the voters supported cities; there was a workshop on revenue, taxation, transportation, communication, and public works; the workshop addressed how the telecommunication revolution would affect cities; the policy could be set at the State and could overturn some franchise agreements.

(05-) Vice Mayor Gilmore stated that the League of California Cities noted that Proposition 1A was successful but did not do anything to protect redevelopment money; no one is certain that the State will be able to meet all its financial commitments without looking to cities again.

(05-) Councilmember Daysog stated that the League of California Cities endorsed Proposition 76 which addresses the smoothing out of the fiscal situation at the State level; Proposition 76 could have impacts at the local level and even more so on school districts.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular meeting at 9:04 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED MINUTES
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -OCTOBER 18, 2005- -7:31 P.M.

Mayor Johnson convened the Special Meeting at 9:04 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese, and Mayor Johnson - 5.

Absent: None.

Public Comment

Bill Smith, Alameda, showed renderings of a transit rail.

(05-) Study Session on Disaster Preparedness/Emergency
Operations Plan.

The Fire Chief gave a Power Point presentation.

The Council requested information on the following: designated decision makers, policy versus non-policy decisions, the earthquake level that bridges can endure, School District and hospital assistance coordination, long-term drinking water options, hospital interaction in the event of an epidemic, utilization of the Hornet for storing supplies, and clearer direction to participants in the Citizen Emergency Response Team (CERT) program.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 10:32 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

October 27, 2005

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

<u>Check Numbers</u>	<u>Amount</u>
141679 - 142200	1,678,784.67
E14053 - E14171	71,919.76
EFT 145	565,700.40
EFT 146	25,610.00
EFT 147	110,340.86
EFT 148	200,000.00
EFT 149	210,777.51

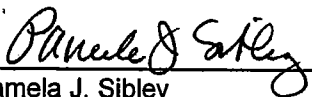
Void Checks:

134274	(340.86)
141263	(272.00)
140002	(57.60)
141219	(20.00)
141432	(1,062.00)

GRAND TOTAL

2,861,380.74

Respectfully submitted,



Pamela J. Sibley

CITY OF ALAMEDA
MEMORANDUM

Date: October 20, 2005

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Quarterly Investment Report for Period Ending September 30, 2005

BACKGROUND

Each quarter the Investment Summary report is provided to the Council. Attached is the investment portfolio report for the quarter ending September 30, 2005.

DISCUSSION

The attached portfolio summary reflects the invested operating funds as well as the various assessment district funds and trustee bond funds. These investments have been made in accordance with the provisions of the City's approved Investment Guidelines. The City of Alameda's expenditure requirements for the next six months are more than sufficiently covered by anticipated revenues from regular operations and liquidity of current investments.

FINANCIAL IMPACT

This report is provided for information purposes only.

RECOMMENDATION

Accept the Quarterly Investment Report for the period ending September 30, 2005.

Respectfully submitted,

Debra Kurita
City Manager



Juelle-Ann Boyer
Chief Financial Officer

JB:dl
Attachment
G:\FINANCE\COUNCIL\2005\110105\Investment093005.doc

Report 4-C
11-01-05



City of Alameda • California

October 20, 2005

Honorable Mayor and City Council

I have reviewed the City of Alameda's Investment Report for the quarter ending September 30, 2005 and find that it complies with the Investment Policy established by my office.

The interest of the Council is always appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Kennedy", is written over the word "Sincerely," and extends across the line for the name.

Kevin Kennedy
City Treasurer

KK/lg

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

INVESTMENT SUMMARY

	BOOK VALUE	PERCENT OF TOTAL	AVERAGE REMAINING LIFE DAYS	AVERAGE YIELD	PAR VALUE	MARKET VALUE
1. CERTIFICATES OF DEPOSIT	\$190,000.00	0.1475%	126	2.5050%	\$190,000.00	\$190,000.00
2. FEDERAL/AGENCY ISSUES	51,814,051.90	40.2221%	817	3.3746%	50,922,386.72	50,730,278.11
3. MEDIUM-TERM NOTES	12,768,333.04	9.9118%	568	3.7011%	12,252,000.00	12,424,431.39
4. INVESTMENTS WITH TRUSTEES	59,247,845.98	45.9928%	355	2.1580%	59,275,272.02	59,258,079.42
5. FIRST AMERICAN TREASURY FUND	144,069.85	0.1118%	1	2.9600%	144,069.85	144,069.85
6. LOCAL AGENCY INVESTMENT FUND	4,655,465.75	3.6139%	1	3.1800%	4,655,465.75	4,655,465.75
TOTAL INVESTMENT PORTFOLIO	\$128,819,776.52	100.0000%			\$127,439,194.34	\$127,402,324.52

GENERAL FUND ONLY ALL FUNDS

2004-05 ACTUAL INTEREST INCOME	\$1,013,892	\$3,596,304
2005-06 PROJECTED INTEREST INCOME	\$1,717,000	\$2,243,100
YEAR-TO-DATE INTEREST INCOME	\$786,719	\$890,419
PERCENT OF INTEREST RECEIVED TO DATE	46.00%	40.00%
CITY WEIGHTED AVERAGE YIELD	2.84%	
CITY WEIGHTED AVERAGE LIFE	548	

I VERIFY THAT THIS INVESTMENT PORTFOLIO IS IN CONFORMITY WITH ALL STATE LAWS
AND THE CITY'S INVESTMENT POLICY WHICH IS REVIEWED ANNUALLY BY THE CITY COUNCIL
AND THE CITY TREASURER OF THE CITY OF ALAMEDA.

JUELLE-ANN BOYER, CHIEF FINANCIAL OFFICER

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE 9/30/2005
INVESTMENT BY FUND									
CITY POOLED FUNDS									
LOCAL AGENCY INVESTMENT FUND	\$4,399,205.92	3.1800%	3.1800%	1-Jul-05	01-Oct-05		92	\$4,399,205.92	\$4,399,205.92
LOCAL AGENCY INVESTMENT FUND (UDAG)	256,259.83	3.1800%	3.1800%	1-Jul-05	01-Oct-05		92	256,259.83	256,259.83
U S BANK - FIRST AMERICAN TREASURY	144,069.85	2.9600%	2.9600%	1-Jul-05	01-Oct-05		92	144,069.85	144,069.85
TRANS PACIFIC NATIONAL BANK	95,000.00	2.5000%	2.5300%	06-Feb-05	06-Feb-06		365	95,000.00	95,000.00
BANK OF ALAMEDA	95,000.00	2.4500%	2.4800%	30-Jan-05	30-Jan-06		365	95,000.00	95,000.00
FHLMC DISC NOTE	638,342.93		3.594%	14-Sep-05	11-Oct-05		27	640,000.00	639,283.67
WAL MART STORES INC CORPORATE NOTES	493,987.50	5.875%	2.020%	03-Mar-03	15-Oct-05		957	450,000.00	450,256.05
US TREASURY NOTES	313,699.22	5.750%	2.435%	17-Jun-04	15-Nov-05		516	300,000.00	300,785.10
CITIFINANCIAL COMMERCIAL CREDIT CO NOTES	498,395.00	6.125%	6.200%	12-Jan-01	01-Dec-05		1,784	500,000.00	501,606.00
FHLMC GLOBAL REFERENCE NOTES	1,038,054.00	5.250%	2.767%	17-Jun-04	15-Jan-06		577	1,000,000.00	1,003,437.50
AMERICAN GENERAL FINANCE CORP NOTES	524,235.00	5.910%	3.329%	28-Jun-04	12-Jun-06		714	500,000.00	504,652.50
FHMA BENCHMARK NOTES	1,102,092.00	5.250%	1.715%	24-Jun-03	15-Jun-06		1,087	1,000,000.00	1,006,250.00
FHMA GLOBAL BENCHMARK NOTES	1,976,948.00	2.500%	3.100%	15-Jun-04	15-Jun-06		730	2,000,000.00	1,975,625.00
FHMA BENCHMARK NOTES	616,557.00	5.250%	3.277%	05-Jan-05	15-Jun-06		526	600,000.00	603,750.00
NATIONAL CITY CALIF CMNTY DEV (AMBAC)	1,649,257.50	3.500%	3.530%	11-Jan-05	01-Aug-06		567	1,650,000.00	1,641,304.50
FHMA NOTES (CALLABLE)	300,000.00	2.500%	2.493%	31-Mar-04	11-Aug-06		863	300,000.00	295,406.25
FHBL TAP NOTES	525,527.34	5.250%	3.883%	17-Jul-02	15-Aug-06		1,490	500,000.00	503,750.00
FHBL NOTES (CALLABLE)	514,800.00	2.400%	2.786%	12-Dec-03	28-Aug-06		990	520,000.00	510,900.00
FFCB DESIGNATED BONDS	986,663.70	2.375%	2.492%	24-Sep-03	02-Oct-06		1,104	990,000.00	970,818.75
US TREASURY NOTES	834,316.41	6.500%	3.618%	17-Jul-02	15-Oct-06		1,551	750,000.00	767,607.75
GENERAL ELECTRIC CAP CORP NOTES	1,244,275.00	3.125%	3.372%	01-Dec-04	09-Nov-06		708	1,250,000.00	1,232,875.00
FHBL TAP NOTES	1,006,484.38	2.750%	2.491%	05-Apr-04	15-Nov-06		954	1,000,000.00	982,187.50
FHMA GLOBAL BENCHMARK NOTES	833,713.44	2.625%	3.010%	04-Nov-04	15-Nov-06		741	840,000.00	823,987.50
WELLS FARGO CO CORPORATE NOTES	724,495.42	6.550%	3.313%	23-Nov-04	01-Dec-06		738	682,000.00	697,013.55
FHBL GLOBAL NOTES	743,477.25	2.750%	3.194%	01-Dec-04	15-Dec-06		744	750,000.00	735,937.50
US TREASURY NOTES	1,088,355.47	3.000%	3.635%	07-Apr-05	31-Dec-06		633	1,100,000.00	1,084,444.90
COUNTRYWIDE HOME CORPORATE NOTES	780,750.00	5.500%	3.833%	21-Jun-04	01-Feb-07		955	750,000.00	758,157.00
FHBL TAP NOTES	607,517.58	4.875%	3.251%	27-Sep-02	15-Feb-07		1,602	570,000.00	573,562.50
FHMA GLOBAL BENCHMARK NOTES	931,481.65	2.375%	3.13%	06-May-04	15-Feb-07		1,015	950,000.00	924,765.63
FHLMC GLOBAL REFERENCE NOTES	1,944,706.00	2.375%	3.469%	15-Jun-04	15-Feb-07		975	2,000,000.00	1,947,500.00
FHMA NOTES (CALLABLE)	748,875.00	2.500%	2.552%	31-Mar-04	19-Apr-07		1,114	750,000.00	729,140.63
CITIGROUP GLOBAL MARKETS NOTES	825,083.81	7.375%	3.627%	29-Dec-04	15-May-07		867	761,000.00	792,720.00
US TREASURY NOTES	843,339.84	6.625%	3.780%	17-Jul-02	15-May-07		1,763	750,000.00	779,091.80
US TREASURY NOTES	1,169,905.28	3.125%	3.282%	15-Jun-04	15-May-07		1,064	1,175,000.00	1,155,722.95
US TREASURY NOTES	1,545,519.53	3.500%	3.656%	29-Jun-05	31-May-07		701	1,550,000.00	1,533,229.00
LEHMAN BROTHERS HLDG NOTE	780,433.50	8.250%	4.077%	12-Jul-05	15-Jun-07		703	725,000.00	766,048.78
US TREASURY NOTES	1,291,011.72	3.625%	4.019%	30-Aug-05	30-Jun-07		669	1,300,000.00	1,287,609.70
CITIFINANCIAL CORPORATE NOTE	526,680.00	6.750%	4.155%	28-Apr-05	01-Jul-07		794	500,000.00	517,467.50
US BANK NA NOTES	744,720.00	3.700%	4.035%	16-May-05	01-Aug-07		807	750,000.00	740,094.75
FHBL TAP NOTES	601,230.00	3.750%	3.679%	30-Jun-04	15-Aug-07		1,141	600,000.00	593,250.00
FHBL TAP NOTES	1,001,601.56	3.750%	3.695%	17-Jun-04	15-Aug-07		1,154	1,000,000.00	988,750.00
FFCB NOTES	1,458,928.50	2.700%	3.940%	02-May-05	04-Sep-07		855	1,500,000.00	1,453,593.75
FHMA GLOBAL BENCHMARK NOTES	454,828.13	6.625%	3.523%	10-Dec-02	15-Oct-07		1,770	400,000.00	417,125.00
AMERICAN GENERAL FINANCE CORPORATE NOTES	629,022.00	4.500%	3.095%	09-Mar-04	15-Nov-07		1,346	600,000.00	597,855.00
FHBL TAP NOTES	1,055,414.06	3.500%	3.361%	10-Nov-03	15-Nov-07		1,466	1,030,000.00	1,030,640.63
FFCB NOTES	1,009,450.00	3.750%	3.449%	07-Jul-04	19-Nov-07		1,230	1,000,000.00	986,875.00
MERRILL LYNCH & CO INC NOTE	766,180.00	6.560%	4.077%	12-Jul-05	16-Dec-07		887	725,000.00	754,690.20
FHLMC GOLD MBS POOL #M90791	576,913.97	4.000%	3.286%	14-Jan-03	01-Jan-08		1,813	567,863.64	559,848.40
HOUSEHOLD FINANCE CO. NOTES	719,070.75	4.625%	3.094%	05-Jun-03	15-Jan-08		1,685	675,000.00	674,883.90

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
BANK OF AMERICA CORPORATE NOTES	895,374.06	6.375%	4.165%	30-Jun-04	15-Feb-08	1,325	868	834,000.00	865,993.91
FNMA GLOBAL BENCHMARK NOTES	859,511.72	5.750%	2.406%	24-Jun-03	15-Feb-08	1,697	868	750,000.00	772,031.25
FHLB TAP NOTES	1,396,954.82	3.375%	3.997%	04-May-05	15-Feb-08	1,017	868	1,420,000.00	1,386,275.00
US TREASURY NOTES	1,092,437.50	3.375%	3.643%	31-May-05	15-Feb-08	990	868	1,100,000.00	1,080,148.30
FHLMC GLOBAL REFERENCE NOTES	603,186.65	3.499%	3.499%	31-Jul-03	15-Apr-08	1,720	928	550,000.00	567,703.13
FHLMC GLOBAL REFERENCE NOTES	545,882.50	5.750%	3.605%	06-Aug-03	15-Apr-08	1,714	928	500,000.00	516,093.75
GENERAL ELECTRIC CAPITAL CORP NOTES	655,843.50	3.500%	3.286%	07-Oct-03	01-May-08	1,668	944	650,000.00	633,717.50
FNMA BENCHMARK NOTES	612,200.60	6.000%	3.142%	11-Feb-04	15-May-08	1,555	958	550,000.00	571,140.63
US TREASURY NOTES	1,291,011.72	3.750%	4.021%	30-Aug-05	15-May-08	989	958	1,300,000.00	1,286,086.10
FHLB TAP NOTES	1,103,157.00	4.000%	3.898%	31-May-05	13-Jun-08	1,109	987	1,100,000.00	1,087,625.00
BANK ONE CORPORATE NOTES	1,055,250.00	6.000%	4.234%	08-Mar-05	01-Aug-08	1,242	1,036	1,000,000.00	1,035,190.00
FHLB TAP NOTES	1,006,797.00	3.750%	3.559%	08-Oct-04	15-Aug-08	1,407	1,050	1,000,000.00	980,625.00
US TREASURY NOTES	896,800.78	3.250%	3.332%	09-Dec-03	15-Aug-08	1,711	1,050	900,000.00	877,289.40
FHLMC GLOBAL REFERENCE NOTES	588,502.80	3.625%	4.118%	08-Jun-04	15-Sep-08	1,560	1,081	600,000.00	587,062.50
FHLMC GLOBAL REFERENCE NOTES	980,703.13	3.625%	4.124%	17-Jun-04	15-Sep-08	1,551	1,081	1,000,000.00	978,437.50
FHLB GLOBAL NOTES	566,713.00	3.625%	4.177%	08-Jun-04	14-Nov-08	1,620	1,141	600,000.00	586,125.00
US TREASURY NOTES	911,630.86	3.250%	3.684%	15-Jun-05	15-Jan-09	1,310	1,203	925,000.00	898,298.03
FHLMC GLOBAL REFERENCE NOTES	538,711.00	5.750%	3.980%	06-May-04	15-Mar-09	1,774	1,262	500,000.00	520,000.00
FHLMC GLOBAL REFERENCE NOTES	582,261.00	3.375%	4.039%	06-May-04	15-Apr-09	1,805	1,293	600,000.00	581,062.50
FNMA GLOBAL BENCHMARK NOTES	995,346.00	4.250%	4.356%	17-Jun-04	15-May-09	1,793	1,323	1,000,000.00	991,875.00
FNMA GLOBAL BENCHMARK NOTES	445,630.80	6.375%	3.746%	31-Aug-04	15-Jun-09	1,749	1,354	400,000.00	424,750.00
FHLMC MBS 5YR BALLOON POOL #M09035	1,387,482.85	5.000%	3.934%	30-Jul-04	01-Jul-09	1,797	1,370	1,355,294.61	1,366,145.56
FHLMC GLOBAL REFERENCE NOTES	408,342.00	4.250%	3.773%	31-Aug-04	15-Jul-09	1,779	1,384	400,000.00	396,625.00
FHLMC MBS NOTES 5YR BALLOON POOL # M90937	1,038,657.52	5.000%	4.051%	01-Feb-05	01-Aug-09	1,642	1,401	1,019,228.47	1,027,388.76
FHLMC GLOBAL REFERENCE NOTES	1,334,210.40	6.625%	4.025%	06-Dec-04	15-Sep-09	1,744	1,446	1,200,000.00	1,291,125.00
FNMA GLOBAL BENCHMARK NOTES	667,248.60	6.625%	3.979%	07-Jan-05	15-Sep-09	1,712	1,446	600,000.00	644,812.50
FHLB TAP NOTES	987,770.00	4.000%	4.290%	07-Mar-05	13-Nov-09	1,712	1,505	1,000,000.00	981,875.00
US TREASURY NOTES	880,804.69	3.625%	4.156%	08-Aug-05	15-Jan-10	1,621	1,568	900,000.00	879,222.66
FHLB NOTES AGENCY	556,392.10	4.375%	4.107%	09-May-05	17-Mar-10	1,773	1,629	550,000.00	548,453.13
FNMA GLOBAL BENCHMARK NOTES	1,011,240.90	7.125%	4.232%	09-Sep-05	15-Jun-10	1,740	1,719	900,000.00	997,031.25
TOTAL AND AVERAGES	\$69,571,930.54	3.8320%	3.4522%			1,167	718	\$68,163,922.32	\$68,144,245.10

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
HBI ASSESSMENT DIST. 92-1									
C.A.M.P. - MONEY MARKET (IMPROVEMENT FUND)	\$1,092,576.36	3.4300%	3.4300%	1-Jul-05	01-Oct-05	92	1	\$1,092,576.36	\$1,092,576.36
BNY - WELLS FARGO TREASURY PLUS	66.93	2.9200%	2.9200%	1-Jul-05	01-Oct-05	92	1	66.93	66.93
BNY - INVESTMENT AGREEMENT	1,972,050.78	5.1500%	5.1500%	1-Jul-05	01-Oct-05	92	1	1,972,050.78	1,972,050.78
TOTAL AND AVERAGES	\$3,064,694.07	4.5368%	4.5368%			92	1	\$3,064,694.07	\$3,064,694.07
HBI ASSESSMENT DIST. 92-1									
BNY - WELLS FARGO TREASURY PLUS	78.73	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	78.73	78.73
TOTAL AND AVERAGES	78.73	2.9300%	2.9300%			92	1	\$78.73	\$78.73
MARINA VILLAGE ASSESSMENT DIST. 89-1									
C.A.M.P. - MONEY MARKET (IMPROVEMENT FUND)	\$2,474,528.28	3.4300%	3.4300%	1-Jul-05	01-Oct-05	92	1	\$2,474,528.28	\$2,474,528.28
CDC FUNDING - INVESTMENT AGREEMENT	3,248,947.80	5.4000%	5.4000%	1-Jul-05	02-Sep-14	3,350	3,259	3,248,947.80	3,248,947.80
TOTAL AND AVERAGES	\$5,723,476.08	4.5483%	4.5483%			1,721	1,630	\$5,723,476.08	\$5,723,476.08
CERTIFICATE OF PARTICIPATION (CITY HALL)									
MBIA INVESTMENT AGREEMENT	829,950.00	4.9250%	4.9250%	1-Oct-03	01-Oct-05	731	1	829,950.00	829,950.00
BNY - WELLS FARGO TREASURY PLUS	20,471.46	2.9200%	2.9200%	1-Jul-05	01-Oct-05	92	1	20,471.46	20,471.46
TOTAL AND AVERAGES	\$850,421.46	4.8767%	4.8767%			412	1	\$850,421.46	\$850,421.46
1995 SEWER SYSTEM PROJECT									
BNY - WELLS FARGO TREASURY PLUS	\$1,118,819.73	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	\$1,118,819.73	\$1,118,819.73
TOTAL AND AVERAGES	\$1,118,819.73	2.9300%	2.9300%			92	1	\$1,118,819.73	\$1,118,819.73
CERTIFICATES OF PARTICIPATION (POLICE BLDG)									
BNY - WELLS FARGO TREASURY PLUS	\$187.62	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	\$187.62	\$187.62
US TREAS NOTES 3.625% , 1/15/10	241,602.97	3.6250%	3.6250%	1-Feb-05	15-Jan-10	1,809	1,568	242,000.00	236,412.22
BNY - WELLS FARGO TREASURY PLUS	7,916.85	2.9200%	2.9200%	1-Jul-05	01-Oct-05	92	1	7,916.85	7,916.85
TOTAL AND AVERAGES	\$249,707.44	0.0948%	0.0948%			664	523	\$250,104.47	\$244,516.69
COMMUNITY FACILITIES DISTRICT #1									
BNY - WELLS FARGO TREASURY PLUS	\$1,010.89	2.8900%	2.8900%	1-Jul-05	01-Oct-05	92	1	\$1,010.89	\$1,010.89
BNY - AIG MATCHED FUNDING CORP.	1,508,233.57	5.1520%	5.1400%	15-Jun-04	01-Aug-19	5,525	5,053	1,508,233.57	1,508,233.57
TOTAL AND AVERAGES	\$1,509,244.46	5.1505%	5.1385%			2,809	2,527	\$1,509,244.46	\$1,509,244.46

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
COMMUNITY FACILITIES DISTRICT #2									
U.S. TREAS. NOTES 1.625 % 2/28/06	185,928.75	1.6500%	1.6500%	1-Mar-05	28-Feb-06	364	151	\$189,000.00	\$187,295.22
BNY - WELLS FARGO TREASURY PLUS	462,493.57	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	462,493.57	462,493.57
TOTAL AND AVERAGES	\$648,422.32	2.0899%	2.0899%			228	76	\$651,493.57	\$649,788.79
CERTIFICATES OF PARTICIPATION (GOLF & LIBRARY)									
FHLMC DISC NTS 11/30/05	355,628.80	6.5000%	6.2500%	1-Jul-05	30-Nov-05	152	61	\$362,000.00	\$355,423.67
BNY - WELLS FARGO TREASURY PLUS (RESERVE)	30,704.95	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	30,704.95	30,704.95
TOTAL AND AVERAGES	\$386,333.75	6.2163%	5.9861%			122	31	\$392,704.95	\$386,128.62
1992 PFA REVENUE BONDS SERIES A									
BNY - WELLS FARGO TREASURY PLUS	\$60,460.04	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	60,460.04	60,460.04
TOTAL AND AVERAGES	\$60,460.04	2.9300%	2.9300%			92	1	\$60,460.04	\$60,460.04
ALAMEDA CIC TAX ALLOC. REFUND. SER 2003 A & B									
UNION BANK - PROVIDENT INST. FUND	\$1,110,916.97	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	\$1,110,916.97	\$1,110,916.97
UNION BANK - PROVIDENT INST. FUND	34,050.55	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	34,050.55	34,050.55
UNION BANK - PROVIDENT INST. FUND	675,000.00	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	675,000.00	675,000.00
UNION BANK - PROVIDENT INST. FUND	488,119.83	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	488,119.83	488,119.83
TOTAL AND AVERAGES	\$2,308,087.35	3.1300%	3.1300%			92	1	\$2,308,087.35	\$2,308,087.35
ALAMEDA CIC TAX ALLOC. REFUND. SER 2003CD									
MBIA GUARANTEED INVESTMENT CONTRACT	\$1,263,768.75	4.8600%	4.8600%	1-Jul-05	01-Oct-05	92	1	\$1,263,768.75	\$1,263,768.75
UNION BANK - PROVIDENT INST. FUND	30,938.79	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	30,938.79	30,938.79
UNION BANK - PROVIDENT INST. FUND	334,489.83	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	334,489.83	334,489.83
UNION BANK - PROVIDENT INST. FUND	796.00	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	796.00	796.00
TOTAL AND AVERAGES	\$1,629,993.37	4.4713%	4.4713%			92	1	\$1,629,993.37	\$1,629,993.37
ALAMEDA CIC SUB TAX TABS 2002 SERIES B									
UNION BANK - PROVIDENT INST. FUND	\$56.41	3.1400%	3.1400%	1-Jul-05	01-Oct-05	92	1	\$56.41	\$56.41
UNION BANK - U.S. TREASURY NOTES	463,413.44	3.5000%	3.5200%	1-Jul-05	15-Nov-06	502	411	481,000.00	477,676.29
UNION BANK - PROVIDENT INST. FUND	21.71	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	21.71	21.71
TOTAL AND AVERAGES	\$463,491.56	3.4999%	3.5199%			229	138	\$481,078.12	\$477,754.41

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
<u>ALAMEDA CIC SUB TAX ALLOC BONDS 2003B</u>									
UNION BANK - PROVIDENT INST. FUND	\$20.63	3.1500%	3.1500%	1-Jul-05	01-Oct-05	92	1	\$20.63	\$20.63
UNION BANK - PROVIDENT INST. FUND	23,243.93	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	23,243.93	23,243.93
CDC FUNDING GUARANTEE INVEST AGREEMENT	886,783.44	4.5100%	4.5100%	18-Dec-03	30-Dec-16	4,761	4,109	886,783.44	886,783.44
CDC FUNDING GUARANTEE INVEST AGREEMENT	4,754,363.83	1.3100%	1.3100%	18-Dec-03	01-Jun-06	896	244	4,754,363.83	4,754,363.83
TOTAL AND AVERAGES	\$5,664,411.83	1.1124%	1.1124%			1,460	1,089	\$5,664,411.83	\$5,664,411.83
<u>ALAMEDA CIC SUB TAX ALLOC BONDS 2003A1 & A2</u>									
UNION BANK - PROVIDENT INST. FUND	\$85.84	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	\$85.84	\$85.84
UNION BANK - PROVIDENT INST. FUND	17,526.56	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	17,526.56	17,526.56
AIG MATCHED FUNDING CORP. 5.202%	3,230,954.81	5.2000%	5.2000%	1-Jul-05	01-Oct-05	92	1	3,230,954.81	3,230,954.81
UNION BANK - PROVIDENT INST. FUND	67,866.15	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	67,866.15	67,866.15
CDC FUNDING 1.31% GUARANTEE INVEST ACCT	15,156,343.01	1.3100%	1.3100%	1-Jul-05	01-Oct-05	92	1	15,156,343.01	15,156,343.01
UNION BANK - PROVIDENT INST. FUND	477,001.39	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	477,001.39	477,001.39
AIG MATCHED FUNDING CORP 1/1/2014	8,966,685.33	0.0000%	0.0000%	1-Jul-05	01-Oct-05	92	1	8,966,685.33	8,966,685.33
TOTAL AND AVERAGES	\$27,916,463.09	1.3761%	1.3761%			92	1	\$27,916,463.09	\$27,916,463.09
<u>2003 LIBRARY BOND PROJECT</u>									
LAIF-LIBRARY CONSTRUCTION & IMPROVEMENTS	\$7,653,740.70	3.1800%	3.1800%	1-Jul-05	01-Oct-05	92	1	\$7,653,740.70	\$7,653,740.70
TOTAL AND AVERAGES	\$7,653,740.70	3.1800%	3.1800%			92	1	\$7,653,740.70	\$7,653,740.70

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DATE	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
1. CERTIFICATES OF DEPOSITS									
TRANS PACIFIC NATIONAL BANK	\$95,000.00	2.5000%	2.5300%	06-Feb-05	06-Feb-06	365	129	\$95,000.00	\$95,000.00
BANK OF ALAMEDA	95,000.00	2.4500%	2.4800%	30-Jan-05	30-Jan-06	365	122	95,000.00	95,000.00
TOTAL AND AVERAGES	\$190,000.00	2.4750%	2.5050%			365	126	\$190,000.00	\$190,000.00
2. GOVERNMENT AGENCIES									
FHLMC DISC NOTE	638,342.93		3.594%	14-Sep-05	11-Oct-05	27	11	640,000.00	639,283.67
US TREASURY NOTES	313,699.22	5.750%	2.435%	17-Jun-04	15-Nov-05	516	46	300,000.00	300,785.10
FHLMC GLOBAL REFERENCE NOTES	1,038,054.00	5.250%	2.767%	17-Jun-04	15-Jan-06	577	107	1,000,000.00	1,003,437.50
FNMA BENCHMARK NOTES	1,102,092.00	5.250%	1.715%	24-Jun-03	15-Jun-06	1,087	258	1,000,000.00	1,006,250.00
FNMA GLOBAL BENCHMARK NOTES	1,976,948.00	2.500%	3.100%	15-Jun-04	15-Jun-06	730	258	2,000,000.00	1,975,625.00
FNMA BENCHMARK NOTES	616,557.00	5.250%	3.277%	05-Jan-05	15-Jun-06	526	258	600,000.00	603,750.00
FNMA NOTES (CALLABLE)	300,000.00	2.500%	2.499%	31-Mar-04	11-Aug-06	863	315	300,000.00	295,406.25
FHBL TAP NOTES	525,627.34	5.250%	3.883%	17-Jul-02	15-Aug-06	1,490	319	500,000.00	503,750.00
FHBL NOTES (CALLABLE)	514,800.00	2.400%	2.786%	12-Dec-03	28-Aug-06	990	332	520,000.00	510,900.00
FFCB DESIGNATED BONDS	986,663.70	2.375%	2.492%	24-Sep-03	02-Oct-06	1,104	367	990,000.00	970,818.75
US TREASURY NOTES	834,316.41	6.500%	3.618%	17-Jul-02	15-Oct-06	1,551	380	750,000.00	767,607.75
FHBL TAP NOTES	1,006,484.38	2.750%	2.491%	05-Apr-04	15-Nov-06	954	411	1,000,000.00	982,187.50
FNMA GLOBAL BENCHMARK NOTES	833,713.44	2.625%	3.010%	04-Nov-04	15-Nov-06	741	411	840,000.00	823,987.50
FHBL GLOBAL NOTES	743,477.25	2.750%	3.194%	01-Dec-04	15-Dec-06	744	441	750,000.00	735,937.50
US TREASURY NOTES	1,088,355.47	3.000%	3.635%	07-Apr-05	31-Dec-06	633	457	1,100,000.00	1,084,444.90
FHBL TAP NOTES	607,517.58	4.875%	3.251%	27-Sep-02	15-Feb-07	1,602	503	570,000.00	573,562.50
FNMA GLOBAL BENCHMARK NOTES	931,481.65	2.375%	3.113%	06-May-04	15-Feb-07	1,015	503	950,000.00	924,765.63
FHLMC GLOBAL REFERENCE NOTES	1,944,706.00	2.375%	3.469%	15-Jun-04	15-Feb-07	975	503	2,000,000.00	1,947,500.00
FNMA NOTES (CALLABLE)	748,875.00	2.500%	2.552%	31-Mar-04	19-Apr-07	1,114	566	750,000.00	729,140.63
US TREASURY NOTES	843,339.84	6.625%	3.780%	17-Jul-02	15-May-07	1,763	592	750,000.00	779,091.80
US TREASURY NOTES	1,169,905.28	3.125%	3.282%	15-Jun-04	15-May-07	1,064	592	1,175,000.00	1,155,722.95
US TREASURY NOTES	1,545,519.53	3.500%	3.656%	29-Jun-05	31-May-07	701	608	1,550,000.00	1,533,229.00
US TREASURY NOTES	1,291,011.72	3.625%	4.019%	30-Aug-05	30-Jun-07	669	638	1,300,000.00	1,287,609.70
US BANK NA NOTES	744,720.00	3.700%	4.035%	16-May-05	01-Aug-07	807	670	750,000.00	740,094.75
FHBL TAP NOTES	601,230.00	3.750%	3.679%	30-Jun-04	15-Aug-07	1,141	684	600,000.00	593,250.00
FHBL TAP NOTES	1,001,601.56	3.750%	3.695%	17-Jun-04	15-Aug-07	1,154	684	1,000,000.00	988,750.00
FFCB NOTES	1,458,928.50	2.700%	3.940%	02-May-05	04-Sep-07	855	704	1,500,000.00	1,453,593.75
FHBL TAP NOTES	454,828.13	6.625%	3.523%	10-Dec-02	15-Oct-07	1,770	745	400,000.00	417,125.00
FHBL TAP NOTES	1,055,414.06	3.500%	3.361%	10-Nov-03	15-Nov-07	1,466	776	1,050,000.00	1,030,640.63
FFCB NOTES	1,009,450.00	3.750%	3.449%	07-Jul-04	19-Nov-07	1,230	780	1,000,000.00	986,875.00
FHLMC GOLD MBS POOL #M60791	576,913.97	4.000%	3.286%	14-Jan-03	01-Jan-08	1,813	823	567,863.64	559,848.40
FNMA GLOBAL BENCHMARK NOTES	859,511.72	5.750%	2.406%	24-Jun-03	15-Feb-08	1,697	868	750,000.00	772,031.25
FHBL TAP NOTES	1,396,954.82	3.375%	3.997%	04-May-05	15-Feb-08	1,017	868	1,420,000.00	1,386,275.00
US TREASURY NOTES	1,092,437.50	3.375%	3.643%	31-May-05	15-Feb-08	990	868	1,100,000.00	1,080,148.30
FHLMC GLOBAL REFERENCE NOTES	603,186.65	5.750%	3.499%	31-Jul-03	15-Apr-08	1,720	928	550,000.00	567,703.13
FHLMC GLOBAL REFERENCE NOTES	545,882.50	5.750%	3.605%	06-Aug-03	15-Apr-08	1,714	928	500,000.00	516,093.75
FNMA BENCHMARK NOTES	612,200.60	6.000%	3.142%	11-Feb-04	15-May-08	1,555	958	550,000.00	571,140.63
US TREASURY NOTES	1,291,011.72	3.750%	4.021%	30-Aug-05	15-May-08	989	958	1,300,000.00	1,286,086.10
FHBL TAP NOTES	1,103,157.00	4.000%	3.898%	31-May-05	13-Jun-08	1,109	987	1,100,000.00	1,087,625.00
FHBL TAP NOTES	1,006,797.00	3.750%	3.559%	08-Oct-04	15-Aug-08	1,407	1,050	1,000,000.00	980,625.00
US TREASURY NOTES	896,800.78	3.250%	3.332%	09-Dec-03	15-Aug-08	1,711	1,050	900,000.00	877,289.40
FHLMC GLOBAL REFERENCE NOTES	588,502.80	3.625%	4.118%	08-Jun-04	15-Sep-08	1,560	1,081	600,000.00	587,062.50

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
FHLMC GLOBAL REFERENCE NOTES	980,703.13	3.625%	4.124%	17-Jun-04	15-Sep-08	1,551	1,081	1,000,000.00	978,437.50
FHLB GLOBAL NOTES	586,713.00	3.625%	4.177%	08-Jun-04	14-Nov-08	1,620	1,141	600,000.00	586,125.00
US TREASURY NOTES	911,630.86	3.250%	3.684%	15-Jun-05	15-Jan-09	1,310	1,203	925,000.00	898,298.03
FHLMC GLOBAL REFERENCE NOTES	538,711.00	5.750%	3.980%	06-May-04	15-Mar-09	1,774	1,262	500,000.00	520,000.00
FHLMC GLOBAL REFERENCE NOTES	582,261.00	3.375%	4.039%	06-May-04	15-Apr-09	1,805	1,293	600,000.00	581,062.50
FNMA GLOBAL BENCHMARK NOTES	995,346.00	4.250%	4.356%	17-Jun-04	15-May-09	1,793	1,323	1,000,000.00	991,875.00
FNMA GLOBAL BENCHMARK NOTES	445,630.80	6.375%	3.746%	31-Aug-04	15-Jun-09	1,749	1,354	400,000.00	424,750.00
FHLMC MBS 5YR BALLOON POOL #M90935	1,387,482.85	5.000%	3.934%	30-Jul-04	01-Jul-09	1,797	1,370	1,355,294.61	1,366,145.56
FHLMC GLOBAL REFERENCE NOTES	408,342.00	4.250%	3.773%	31-Aug-04	15-Jul-09	1,779	1,384	400,000.00	396,625.00
FHLMC MBS NOTES 5YR BALLOON POOL # M90937	1,038,657.52	5.000%	4.051%	01-Feb-05	01-Aug-09	1,642	1,401	1,019,228.47	1,027,388.76
FHLMC GLOBAL REFERENCE NOTES	1,334,210.40	6.625%	4.025%	06-Dec-04	15-Sep-09	1,744	1,446	1,200,000.00	1,291,125.00
FNMA GLOBAL BENCHMARK NOTES	667,248.60	6.625%	3.979%	07-Jan-05	15-Sep-09	1,712	1,446	600,000.00	644,812.50
FHLMC GLOBAL REFERENCE NOTES	987,770.00	4.000%	4.290%	07-Mar-05	13-Nov-09	1,712	1,505	1,000,000.00	981,875.00
US TREASURY NOTES	880,804.69	3.625%	4.156%	08-Aug-05	15-Jan-10	1,621	1,568	900,000.00	878,222.66
FHLMC NOTES AGENCY	556,392.10	4.375%	4.107%	09-May-05	17-Mar-10	1,773	1,629	550,000.00	548,453.13
FNMA GLOBAL BENCHMARK NOTES	1,011,240.90	7.125%	4.232%	09-Sep-05	15-Jun-10	1,740	1,719	900,000.00	997,031.25
TOTAL AND AVERAGES	\$51,814,061.90	3.8040%	3.3746%			1,280	817	\$50,922,386.72	\$50,730,278.11
3. MEDIUM-TERM NOTES (CORP. BONDS)									
WAL MART STORES INC CORPORATE NOTES	493,987.50	5.875%	2.020%	03-Mar-03	15-Oct-05	957	15	450,000.00	450,256.05
CITIFINANCIAL COMMERCIAL CREDIT CO NOTES	498,395.00	6.125%	6.200%	12-Jan-01	01-Dec-05	1,784	62	500,000.00	501,606.00
AMERICAN GENERAL FINANCE CORP NOTES	524,235.00	5.910%	3.329%	28-Jun-04	12-Jun-06	714	255	500,000.00	504,652.50
NATIONAL CITY CALIF CMNTY DEV (AMBAC)	1,649,257.50	3.500%	3.530%	11-Jan-05	01-Aug-06	567	305	1,650,000.00	1,641,304.50
GENERAL ELECTRIC CAP CORP NOTES	1,244,275.00	3.125%	3.372%	01-Dec-04	09-Nov-06	708	405	1,250,000.00	1,232,875.00
WELLS FARGO CO CORPORATE NOTES	724,495.42	6.550%	3.313%	23-Nov-04	01-Dec-06	738	427	682,000.00	697,013.55
COUNTRYWIDE HOME CORPORATE NOTES	780,750.00	5.500%	3.833%	21-Jun-04	01-Feb-07	955	489	750,000.00	758,157.00
CITIGROUP GLOBAL MARKETS NOTES	825,083.81	7.375%	3.627%	29-Dec-04	15-May-07	867	592	761,000.00	792,720.00
LEHMAN BROTHERS HLDG NOTE	780,433.50	8.250%	4.077%	12-Jul-05	15-Jun-07	703	623	725,000.00	766,048.78
CITIFINANCIAL CORPORATE NOTE	526,680.00	6.750%	4.155%	28-Apr-05	01-Jul-07	794	639	500,000.00	517,467.50
AMERICAN GENERAL FINANCE CORPORATE NOTES	629,022.00	4.500%	3.099%	09-Mar-04	15-Nov-07	1,346	776	600,000.00	597,855.00
MERRILL LYNCH & CO INC NOTE	768,180.00	6.560%	4.077%	12-Jul-05	16-Dec-07	887	807	725,000.00	754,690.20
HOUSEHOLD FINANCE CO. NOTES	719,070.75	4.625%	3.094%	05-Jun-03	15-Jan-08	1,685	837	675,000.00	674,883.90
BANK OF AMERICA CORPORATE NOTES	895,374.06	6.375%	4.165%	30-Jun-04	15-Feb-08	1,325	868	834,000.00	865,993.91
GENERAL ELECTRIC CAPITAL CORP NOTES	655,843.50	3.500%	3.286%	07-Oct-03	01-May-08	1,668	944	650,000.00	633,717.50
BANK ONE CORPORATE NOTES	1,055,250.00	6.000%	4.234%	08-Mar-05	01-Aug-08	1,242	1,036	1,000,000.00	1,035,190.00
TOTAL AND AVERAGES	\$12,768,333.04	5.4314%	3.7011%			1,059	568	\$12,252,000.00	\$12,424,431.39

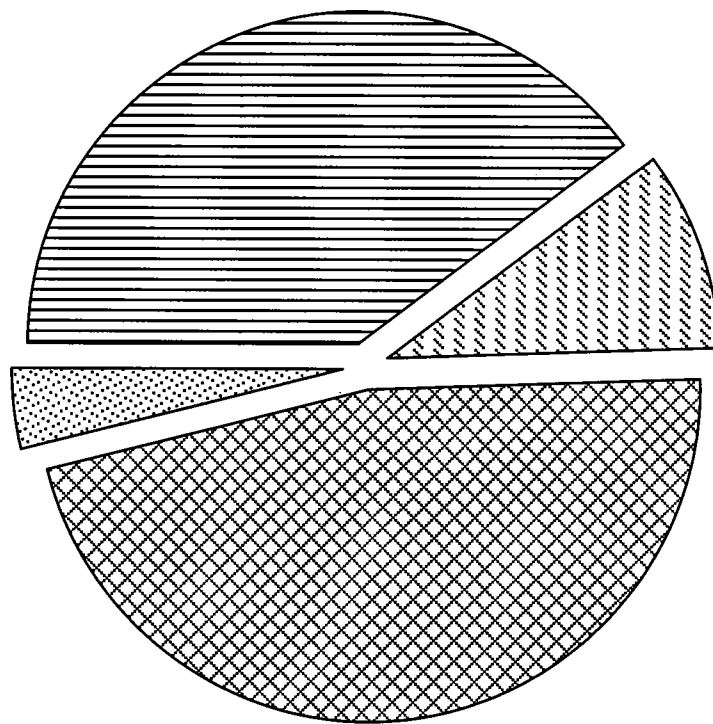
CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
4. INVESTMENTS WITH TRUSTEES									
BNY - WELLS FARGO TREASURY PLUS	66.93	2.9200%	2.9200%	1-Jul-05	01-Oct-05	92	1	66.93	66.93
BNY - INVESTMENT AGREEMENT	1,972,050.78	5.1500%	5.1500%	1-Jul-05	01-Oct-05	92	1	1,972,050.78	1,972,050.78
BNY - WELLS FARGO TREASURY PLUS	78.73	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	78.73	78.73
BNY - WELLS FARGO TREASURY PLUS	20,471.46	2.9200%	2.9200%	1-Jul-05	01-Oct-05	92	1	20,471.46	20,471.46
BNY - WELLS FARGO TREASURY PLUS	\$1,118,819.73	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	\$1,118,819.73	\$1,118,819.73
BNY - WELLS FARGO TREASURY PLUS	\$187.62	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	\$187.62	\$187.62
BNY - WELLS FARGO TREASURY PLUS	7,916.85	2.9200%	2.9200%	1-Jul-05	01-Oct-05	92	1	7,916.85	7,916.85
BNY - WELLS FARGO TREASURY PLUS	\$1,010.89	2.8900%	2.8900%	1-Jul-05	01-Oct-05	92	1	\$1,010.89	\$1,010.89
BNY - AIG MATCHED FUNDING CORP.	1,508,233.57	5.1520%	5.1400%	15-Jun-04	01-Aug-19	5,525	5,053	1,508,233.57	1,508,233.57
BNY - WELLS FARGO TREASURY PLUS	462,493.57	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	462,493.57	462,493.57
BNY - WELLS FARGO TREASURY PLUS (RESERVE)	30,704.95	2.9300%	2.9300%	1-Jul-05	01-Oct-05	92	1	30,704.95	30,704.95
C.A.M.P. - MONEY MARKET (IMPROVEMENT FUND)	\$1,092,576.36	3.4300%	3.4300%	1-Jul-05	01-Oct-05	92	1	\$1,092,576.36	\$1,092,576.36
C.A.M.P. - MONEY MARKET (IMPROVEMENT FUND)	\$2,474,528.28	3.4300%	3.4300%	1-Jul-05	01-Oct-05	92	1	\$2,474,528.28	\$2,474,528.28
CDC FUNDING - INVESTMENT AGREEMENT	3,248,947.80	5.4000%	5.4000%	1-Jul-05	02-Sep-14	3,350	3,259	3,248,947.80	3,248,947.80
MBIA INVESTMENT AGREEMENT	829,950.00	4.9250%	4.9250%	1-Oct-03	01-Oct-05	731	1	829,950.00	829,950.00
US TREAS NOTES 3.625% , 1/15/10	241,602.97	3.6250%	3.6250%	1-Feb-05	15-Jan-10	1,809	1,588	242,000.00	236,412.22
U.S. TREAS. NOTES 1.625 % 2/28/06	185,928.75	1.6500%	1.6500%	1-Mar-05	28-Feb-06	364	151	\$189,000.00	\$187,295.22
FHLMC DISC NTS 11/30/05	355,628.80	6.5000%	6.2500%	1-Jul-05	30-Nov-05	152	61	\$362,000.00	\$355,423.67
LAIF - LIBRARY CONSTRUCTION & IMPROVEMENTS	\$7,653,740.70	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	\$7,653,740.70	\$7,653,740.70
UNION BANK - PROVIDENT INST. FUND	\$1,110,916.97	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	\$1,110,916.97	\$1,110,916.97
UNION BANK - PROVIDENT INST. FUND	34,050.55	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	34,050.55	34,050.55
UNION BANK - PROVIDENT INST. FUND	675,000.00	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	675,000.00	675,000.00
UNION BANK - PROVIDENT INST. FUND	488,119.83	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	488,119.83	488,119.83
MBIA GUARANTEED INVESTMENT CONTRACT	\$1,263,768.75	4.8600%	4.8600%	1-Jul-05	01-Oct-05	92	1	\$1,263,768.75	\$1,263,768.75
UNION BANK - PROVIDENT INST. FUND	30,938.79	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	30,938.79	30,938.79
UNION BANK - PROVIDENT INST. FUND	334,489.83	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	334,489.83	334,489.83
UNION BANK - PROVIDENT INST. FUND	796.00	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	796.00	796.00
UNION BANK - PROVIDENT INST. FUND	\$56.41	3.1400%	3.1400%	1-Jul-05	01-Oct-05	92	1	\$56.41	\$56.41
UNION BANK - U.S. TREASURY NOTES	463,413.44	3.5000%	3.5200%	1-Jul-05	15-Nov-06	502	411	481,000.00	477,676.29
UNION BANK - PROVIDENT INST. FUND	21.71	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	21.71	21.71
UNION BANK - PROVIDENT INST. FUND	\$20.63	3.1500%	3.1500%	1-Jul-05	01-Oct-05	92	1	\$20.63	\$20.63
UNION BANK - PROVIDENT INST. FUND	23,243.93	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	23,243.93	23,243.93
CDC FUNDING GUARANTEE INVEST AGREEMENT	886,783.44	4.5100%	4.5100%	18-Dec-03	30-Dec-16	4,761	4,109	886,783.44	886,783.44
CDC FUNDING GUARANTEE INVEST AGREEMENT	4,754,363.83	1.3100%	1.3100%	18-Dec-03	01-Jun-06	896	244	4,754,363.83	4,754,363.83
UNION BANK - PROVIDENT INST. FUND	\$85.84	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	\$85.84	\$85.84
UNION BANK - PROVIDENT INST. FUND	17,526.56	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	17,526.56	17,526.56
AIG MATCHED FUNDING CORP. 5.202%	3,230,954.81	5.2000%	5.2000%	1-Jul-05	01-Oct-05	92	1	3,230,954.81	3,230,954.81
UNION BANK - PROVIDENT INST. FUND	67,866.15	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	67,866.15	67,866.15
CDC FUNDING 1.31% GUARANTEE INVEST ACCT	15,156,343.01	1.3100%	1.3100%	1-Jul-05	01-Oct-05	92	1	15,156,343.01	15,156,343.01
UNION BANK - PROVIDENT INST. FUND	477,001.39	3.1300%	3.1300%	1-Jul-05	01-Oct-05	92	1	477,001.39	477,001.39
AIG MATCHED FUNDING CORP 1/1/2014	8,966,685.33	0.0000%	0.0000%	1-Jul-05	01-Oct-05	92	1	8,966,685.33	8,966,685.33
TOTAL AND AVERAGES	\$59,247,845.98	2.1593%	2.1580%			503	355	\$59,275,272.02	\$59,258,079.42

CITY OF ALAMEDA
INVESTMENT PORTFOLIO FOR THE QUARTER ENDING SEPTEMBER 30, 2005

DESCRIPTION	BOOK VALUE	RATE	YIELD	PURCHASE DATE	MATURITY DATE	LIFE TO MATURITY DAYS	REMAINING LIFE DAYS	PAR VALUE	MARKET VALUE
U S BANK - FIRST AMERICAN TREASURY	144,069.85	2.9600%	2.9600%	1-Jul-05	01-Oct-05	92	1	144,069.85	144,069.85
TOTAL AND AVERAGES	\$144,069.85	2.9600%	2.9600%			92	1	\$144,069.85	\$144,069.85
6. LOCAL AGENCY INVESTMENT	\$4,655,465.75	3.1800%	3.1800%	1-Jul-05	01-Oct-05	92	1	\$4,655,465.75	\$4,655,465.75
TOTAL AND AVERAGES	\$4,655,465.75	3.1800%	3.1800%			92	1	\$4,655,465.75	\$4,655,465.75

Investments by Type



□ Federal/Agency Issues

▤ Medium-Term Notes

▦ Investments with Trustees

▧ LAIF and Others

CITY OF ALAMEDA

MEMORANDUM

Date: October 18, 2005

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Re: Recommendation to Authorize City Manager to Pay Bay Ship & Yacht Company
\$134,598.19 for Facility Upgrades to the Main Street Ferry Terminal

BACKGROUND

On December 13, 2004, a ship docked at Bay Ship & Yacht (BSY) damaged the Main Street Ferry (Main Street) Terminal. As three of the four piles securing the terminal were severely damaged, service at the facility was immediately suspended. On December 21, 2004 the City Council approved a finding that the repair of the Main Street Terminal constituted an "emergency that requires immediate action" and authorized the City Manager to enter into agreements necessary to return the terminal to service. On December 29, sixteen days after the incident, the terminal was returned to service after BSY had repaired the damage and provided additional facility improvements that had been recommended by the City's marine consultants. During and subsequent to the repairs to the terminal, the City and BSY engaged in negotiations regarding the proportionate share of the cost of the project. In July 2005, all parties agreed that \$134,598.19 of the total repair cost of \$316,095 was for the additional facility improvements that had been requested by the City.

DISCUSSION

After the terminal had been damaged, the City hired two marine consultants to determine the repairs that were necessary to return the Main Street Terminal to a safe and reliable operation. After reviewing the original piling specifications and installation method, these consultants recommended two modifications that would significantly improve the facility and reduce maintenance costs. They were to increase the pile wall thickness from 3/8" to 3/4" and to replace the fourth undamaged pile to match the strength and stability of the other three. As BSY had already assembled the equipment necessary to replace the three damaged piles, the recommended improvements could be accomplished at considerable savings to the City. Given these circumstances, the City staff asked BSY to implement the consultants' recommendations. The subject action authorizes the payment for the cost related to the facility upgrades.

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

The City applies annually to the Metropolitan Transportation Commission (MTC) for Regional Measure 1-2% Bridge Toll Revenue grants for ferry capital projects. Prior to December 2004, the City had been awarded \$355,664 in these grants for the current fiscal year. Soon after the incident,

Report 4-D

11-01-05

staff contacted the MTC to determine whether a portion of existing capital grants could be reallocated to the Main Street repair project. Although the MTC staff indicated a positive response, the City was informed that a formal approval would require an application specifying the amount prior to any expenditure of funds. Therefore, the formal request was delayed until the negotiations with BSY regarding the proportionate share of the costs were concluded and an invoice was received. On September 28, 2005 the City issued a formal request to reallocate \$134,598.19 of these grant funds to the Main Street Ferry Terminal Repair Project. The MTC staff has informed the City that the Executive Director is expected to approve the reallocation of funds on November 8, 2005.

The Alameda Ferry Service is budgeted in the Capital Improvement Budget; no general fund revenue is expended for ferry operations or related capital projects. Upon approval, the \$134,598.19 of costs associated with the facility upgrades will be allocated from the Regional Measure 1-2% Bridge Toll Revenues.

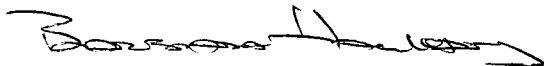
MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action will not affect the Municipal Code.

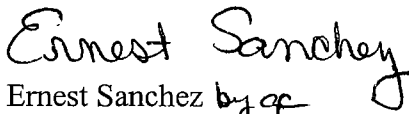
RECOMMENDATION

Authorize the City Manager to pay Bay Ship & Yacht Company \$134,598.19 for facility upgrades to the Main Street Ferry Terminal.

Respectfully submitted,



Barbara Hawkins
Acting Public Works Director



Ernest Sanchez by af
Ferry Manager

BH:ES:gc

City of Alameda

Memorandum

Date: November 1, 2005

To: Honorable Mayor and
Members of the City Council

From: Carol A. Korade
City Attorney

Re: Amending Resolution No. 9460 to Reflect Current Positions and Entities
to be Included In The City of Alameda's Conflict of Interest Code and
Rescinding Resolution No. 13726

BACKGROUND:

The City of Alameda is required to adopt a Conflict of Interest Code and to make amendments when new positions are added or duties changed. The last amendments to the Conflict of Interest Code were adopted June 16, 2004.

DISCUSSION:

The Political Reform Act requires that every city adopt a Conflict of Interest Code and amend it whenever new positions are designated or duties changed. Employees are to be included when they may be involved in the making or participate in the making of decisions that may foreseeably have a material financial effect on any financial interest. Boards, commissions and committees are to be included when they have decision-making authority.

Each employee position has been reviewed to determine which employees are involved in the making of decisions potentially having a material effect on any financial interest. Each employee who either has been added to the Conflict of Interest Code or has a change in the reporting requirements was given a copy of the proposed Conflict of Interest Code. Each employee was requested to advise of any recommendations or objections. There have been no objections made by any employees to the changes. Attached hereto is a draft resolution that reflects the most recent changes in the City organization.

The Fair Political Practices Commissions (FPPC) implements and interprets the Conflict of Interest provisions of the Political Reform Act. FPPC regulation C.C.R. Section 18700 provides guidance in determining whether a board or commission is solely advisory or has decision-making authority. It states:

- (A) "Public Official at any level of state or local government" means every natural person who is a member, officer, employee or consultant of a state or local government agency.

**Re: Reso 4-E
11-01-05**

"Member" should include, but not be limited to, salaried or unsalaried members of boards or commissions with decision-making authority.

A board or commission has decision making authority whenever:

- (A) It may make a final governmental decision;
- (B) It may compel a governmental decision; or it may prevent a governmental decision either by reason of an exclusive power to initiate the decision or by reason of a veto which may not be overridden; or
- (C) It makes substantive recommendations, which are, and over an extended period of time have been, regularly approved without a significant amendment or modification by another public official or governmental agency.

Each committee, board, and commission has been reviewed. This review included the existing committees, boards, and commissions and those created since adoption of Resolution No. 12073, adopted February 20, 1991. The staff liaison to each of the committees, boards and commissions reviewed the recommendations of that entity to the City Council. The record of each entity was reviewed to determine whether the City Council regularly approved their substantive recommendations without significant amendment or modification. It concludes that all of the current disclosure categories for all existing committees, boards and commissions were correct.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does not affect the municipal code.

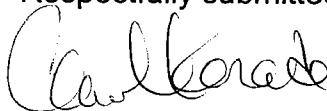
BUDGET CONSIDERATION/FINANCIAL IMPACT:

There will be no impact on the General Fund.

RECOMMENDATION:

It is recommended that the attached resolution amending the City's Conflict of Interest Code be adopted.

Respectfully submitted,



Carol A. Korade
City Attorney

CITY OF ALAMEDA RESOLUTION NO. _____

AMENDING RESOLUTION NO. 9460 TO REFLECT CURRENT POSITIONS AND ENTITIES TO BE INCLUDED IN THE CITY OF ALAMEDA'S CONFLICT OF INTEREST CODE AND RESCINDING RESOLUTION NO. 13726

BE IT RESOLVED by the Council of the City of Alameda that City of Alameda Resolution No. 13726 is hereby rescinded; and

BE IT FURTHER RESOLVED by the Council of the City of Alameda that Paragraph 2 of the Conflict of Interest Code set forth in Resolution No. 9460 be amended thereof to read:

2. The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code for the following departments and agencies:

Alameda Power & Telecom
Building Services Division
City Attorney's Office
City Clerk's Department
City Council
City Manager's Department
Civil Service Board
Claims Board
Development Services Department
Economic Development Commission
Finance Department
Fire Department
Golf Commission
Golf Complex
Historical Advisory Board
Housing and Building Code Hearing and Appeals Board
Housing Authority
Housing Commission
Human Resources Department
Information Technology
Library Board
Library Department
Pension Board
Planning Department
Police Department
Public Art Commission
Public Utilities Board
Public Works Department
Recreation and Park Commission
Recreation and Park Department
Social Service Human Relations Board
Transportation Commission

DESIGNATED POSITIONS
AND
DISCLOSURE CATEGORIES

<u>DESIGNATED POSITIONS CATEGORY</u>	<u>DISCLOSURE</u>
<u>Alameda Power & Telecom</u>	
General Manager	A through F
Operations Manager	A through F
Administrative Services Manager	A through F
Marketing Manager	A through F
Utility Service Manager	A through F
Utility Planning Supervisor	A through F
Engineering Supervisor	A through F
Financial Analyst	A through F
Financial Services Supervisor	A through F
Support Services Supervisor	A through F
Technical Operations Superintendent	A through F
Telecom Operations Supervisor	A through F
Marketing Coordinator	A through F
Marketing Specialist	A through F
Customer Service Supervisor	A through F
<u>Building Services Division</u>	
Building Official	A through F
Building Services Manager	A through F
Supervising Building Inspector	A through F
Structural Plan Check Engineer	A through F
Senior Combination Inspector	A through F
Combination Inspectors	A through F
Plans Examiner	A through F
Permit Examiner/Expeditors	A through F
Permit Technician	A through F
Code Compliance Officer	A through F
<u>City Attorney's Office</u>	
City Attorney*	
Assistant City Attorney	A through F
Deputy City Attorney	A through F
Risk Manager	A through F

City Clerk's Department

City Clerk
Deputy City Clerk

A through F
A through F

City Council

City Council Members*

City Manager's Department

City Manager*
Assistant City Manager
Assistant to the City Manager

A through F
A through F

Civil Service Board

Board Members

A through F

Claims Board

Board Members

A through F

Development Services Department

Alameda Point Project Manager
Development Services Director
Community Development Manager
Community Development Program Manager
Redevelopment Manager
Development Coordinator
Development Manager
Development Manager, Housing
Development Project Manager
Planner III
Management Analyst
Reconstruction Specialist I
Reconstruction Specialist II
Administrative Services Coordinator

A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F

*Reporting requirements covered by other law.
of 7

Appendix A - Page 2

Economic Development Commission

Commission Members

A through F

Finance Department

Auditor

A through F

Treasurer*

Chief Financial Officer

A through F

Supervising Accountants

A through F

Admin. Services Coordinator

A through F

Fire Department

Fire Chief

A through F

Deputy Chief

A through F

Division Chiefs

A through F

Assistant Fire Marshal – Captain

A through F

Training Director

A through F

Assistant Training Director

A through F

E.M.S. Director

A through F

E.M.S. Education Coordinator

A through F

Disaster Preparedness Coordinator

A through F

Firefighter Inspector

A through F

Golf Commission

Commission Members

None

Golf Complex

General Manager

A through F

Golf Professional

A through F

Assistant Golf Professional

A through F

Golf Course Maintenance Superintendent

A through F

Historical Advisory Board

Board Members

A through F

*Reporting requirements covered by other law.

Appendix A - Page 3 of 7

Housing Authority

Executive Director	A through F
Finance Manager	A through F
Housing Assistance Manager	A through F
Housing Authority Manager	A through F
Maintenance Services Coordinator	A through F

Housing and Building Code Hearing and Appeals Board

Board Members	A through F
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Housing Commission

Commission Members	A through F
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Human Resources Department

Human Resources Director	A through F
Senior Management Analyst	A through F

Information Technology Department

Information Technology Director	A through F
Information Technology Operations Supervisor	A through F

Library Board

Board Members	A through F
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Library Department

Library Director	A through F
Supervising Librarian	A through F
Library Technician (Order Clerk)	A through F

Pension Board

Board Members	A through F
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Planning Board

Board Members*	
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*Reporting requirements covered by other law.

Planning Department

Planning Director	A through F
Planning Manager	A through F
Development Review Manager	A through F
Supervising Planner	A through F
Planner III	A through F
Planner II	A through F
Planner I	A through F
Administrative Services Coordinator	A through F

Police Department

Chief of Police	A through F
Civilian Records Manager	A through F
Police Captains	A through F
Police Lieutenants	A through F

Public Art Commission

Commission Members	A through F
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Public Utilities Board

Board Members	A through F
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Public Works

Public Works Director	A through F
City Engineer	A through F
Public Works Coordinator	A through F
Public Works Superintendent	A through F
Public Works Supervisor	A through F
Public Works Supervisor – Ferry Manager	A through F
Senior Civil Engineer	A through F
Supervising Civil Engineer	A through F
Associate Civil Engineer	A through F
Traffic Engineer	A through F
Survey & Construction Inspector Supervisor	A through F
Senior Construction Inspector	A through F
Construction Inspector	A through F
Administrative Management Analyst	A through F
Administrative Management Analyst Environmental Services	A through F
Administrative Services Coordinator	A through F

*Reporting requirements covered by other law.

Recreation and Park Commission

Commission Members

A through F

Recreation and Parks Department

Recreation and Parks Director

A through F

Recreation Services Manager

A through F

Senior Services Manager

A through F

Recreation Supervisors

A through F

Park Manager

A through F

Social Service Human Relations Board

Board Members

A through F

Transportation Commission

Committee Members

A through F

Consultants*

- * Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultants's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

DISCLOSURE CATEGORIES

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

An investment, interest in real property, or source of income or gift does not have a foreseeable material effect on an economic interest of the designated employee unless the business, real property or source of income or gift may foreseeably require legislative action or permits from the City of Alameda or may foreseeably enter into contracts or leases with or make sales of real property or goods or services to or be sold to the City of Alameda, a department thereof or the Housing Authority of the City of Alameda.

In general, that which a reasonable person would predict, anticipate, or expect beforehand, can be said to be "foreseeable". The term requires the application of reasonable judgment to assess the degree of likelihood that a decision made or participated in will as financial interest. Where the likelihood is sufficiently great that a reasonable person would predict or anticipate an effect on a financial interest, the effect of the decision is foreseeable. Clearly, in the context of designating positions within a Conflict of Interest Code, "foreseeable" means greater probability than "conceivable", yet less probability than "certainly".

CATEGORY A - INVESTMENTS

All direct or indirect investments of the designated employee valued over \$2,000 in a business entity, including any parent, subsidiary or related business, either (1) located in Alameda or (2) doing business in Alameda.

CATEGORY B - INTERESTS IN REAL PROPERTY

All direct or indirect interests over \$2,000 of the designated employee in real property located in Alameda.

CATEGORY C - INCOME (OTHER THAN GIFTS AND LOANS)

All direct or indirect income of the designated employee aggregating \$500 or more from any one source, during the reporting period.

CATEGORY D - LOANS

Outstanding loans and loans received by the designated employee from one source, aggregating \$500.00 or more during the reporting period.

CATEGORY E - GIFTS

Gifts to the designated employee from one source, which total \$50 or more during the reporting period.

CATEGORY F - TRAVEL PAYMENTS, ADVANCES AND REIMBURSEMENTS

Travel payments to the designated employee from one source, which total \$320 or more during the reporting period. Reportable travel payments include advances and reimbursements for travel and related lodging and subsistence.

INCOMPATIBLE ACTIVITIES

(A) No officer or employee shall engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his/her duties as an officer or employee or with the duties, functions or responsibilities of his/her appointing power or the agency. No officer or employee shall perform any work, service or counsel for compensation outside of his/her employment where any part of his/her efforts will be subject to approval by any other officer, employee, board of commission of his/her employing body.

(B) An employee or officer's outside employment, activity or enterprise is prohibited if that:

(1) Involves the use for private gain or advantage of his/her departmental time, facilities, equipment and supplies; the badge, uniform, prestige or influence of the departmental office or employment;

(2) Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the City for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her employment as a part of his/her duties as a local agency officer or employee;

(3) Involves the performance of an act in other than his/her capacity as an officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee of the department by which he/she is employed;

(4) Involves such time demands as would render performance of his her duties as an officer or employee less efficient.

This Appendix C shall apply to all employees, officers and agents within the agencies covered by the Code.

(This Appendix does not incorporate by reference the definitions of the Political Reform Act and the regulations adopted pursuant thereto. Interpretations of Government Code Section 1126 are applicable and interpretations of the Political Reform Act may apply.)

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. _____

AMENDING RESOLUTION NO. 9460 TO REFLECT CURRENT POSITIONS AND ENTITIES TO BE INCLUDED IN THE CITY OF ALAMEDA'S CONFLICT OF INTEREST CODE AND RESCINDING RESOLUTION NO. 13726

BE IT RESOLVED by the Council of the City of Alameda that City of Alameda Resolution No. 13726 is hereby rescinded; and

BE IT FURTHER RESOLVED by the Council of the City of Alameda that Paragraph 2 of the Conflict of Interest Code set forth in Resolution No. 9460 be amended thereof to read:

2. The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code for the following departments and agencies:

Alameda Power & Telecom
Building Services Division
City Attorney's Office
City Clerk's Department
City Council
City Manager's Department
Civil Service Board
Claims Board
Development Services Department
Economic Development Commission
Finance Department
Fire Department
Golf Commission
Golf Complex
Historical Advisory Board
Housing and Building Code Hearing and Appeals Board
Housing Authority
Housing Commission
Human Resources Department
Information Technology
Library Board
Library Department
Pension Board
Planning Department
Police Department
Public Art Commission
Public Utilities Board
Public Works Department
Recreation and Park Commission
Recreation and Park Department
Social Service Human Relations Board
Transportation Commission

Resolution # 4-E CC
11-01-05

Approved as to Form

CITY ATTORNEY

DESIGNATED POSITIONS
AND
DISCLOSURE CATEGORIES

DESIGNATED POSITIONS
CATEGORY

DISCLOSURE

Alameda Power & Telecom

General Manager	A through F
Operations Manager	A through F
Administrative Services Manager	A through F
Marketing Manager	A through F
Utility Service Manager	A through F
Utility Planning Supervisor	A through F
Engineering Supervisor	A through F
Financial Analyst	A through F
Financial Services Supervisor	A through F
Support Services Supervisor	A through F
Technical Operations Superintendent	A through F
Telecom Operations Supervisor	A through F
Marketing Coordinator	A through F
Marketing Specialist	A through F
Customer Service Supervisor	A through F

Building Services Division

Building Official	A through F
Building Services Manager	A through F
Supervising Building Inspector	A through F
Structural Plan Check Engineer	A through F
Senior Combination Inspector	A through F
Combination Inspectors	A through F
Plans Examiner	A through F
Permit Examiner/Expeditors	A through F
Permit Technician	A through F
Code Compliance Officer	A through F

City Attorney's Office

City Attorney*	
Assistant City Attorney	A through F
Deputy City Attorney	A through F
Risk Manager	A through F

City Clerk's Department

City Clerk
Deputy City Clerk

A through F
A through F

City Council

City Council Members*

City Manager's Department

City Manager*
Assistant City Manager
Assistant to the City Manager

A through F
A through F

Civil Service Board

Board Members

A through F

Claims Board

Board Members

A through F

Development Services Department

Alameda Point Project Manager
Development Services Director
Community Development Manager
Community Development Program Manager
Redevelopment Manager
Development Coordinator
Development Manager
Development Manager, Housing
Development Project Manager
Planner-III
Management Analyst
Reconstruction Specialist I
Reconstruction Specialist II
Administrative Services Coordinator

A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F
A through F

*Reporting requirements covered by other law.
of 7

Appendix A - Page 2

Economic Development Commission

Commission Members

A through F

Finance Department

Auditor

A through F

Treasurer*

Chief Financial Officer

A through F

Supervising Accountants

A through F

Admin. Services Coordinator

A through F

Fire Department

Fire Chief

A through F

Deputy Chief

A through F

Division Chiefs

A through F

Assistant Fire Marshal – Captain

A through F

Training Director

A through F

Assistant Training Director

A through F

E.M.S. Director

A through F

E.M.S. Education Coordinator

A through F

Disaster Preparedness Coordinator

A through F

Firefighter Inspector

A through F

Golf Commission

Commission Members

None

Golf Complex

General Manager

A through F

Golf Professional

A through F

Assistant Golf Professional

A through F

Golf Course Maintenance Superintendent

A through F

Historical Advisory Board

Board Members

A through F

*Reporting requirements covered by other law.

Appendix A - Page 3 of 7

Housing Authority

Executive Director	A through F
Finance Manager	A through F
Housing Assistance Manager	A through F
Housing Authority Manager	A through F
Maintenance Services Coordinator	A through F

Housing and Building Code Hearing and Appeals Board

Board Members	A through F
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Housing Commission

Commission Members	A through F
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Human Resources Department

Human Resources Director	A through F
Senior Management Analyst	A through F

Information Technology Department

Information Technology Director	A through F
Information Technology Operations Supervisor	A through F

Library Board

Board Members	A through F
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Library Department

Library Director	A through F
Supervising Librarian	A through F
Library Technician (Order Clerk)	A through F

Pension Board

Board Members	A through F
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Planning Board

Board Members*	
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*Reporting requirements covered by other law.

Planning Department

Planning Director	A through F
Planning Manager	A through F
Development Review Manager	A through F
Supervising Planner	A through F
Planner III	A through F
Planner II	A through F
Planner I	A through F
Administrative Services Coordinator	A through F

Police Department

Chief of Police	A through F
Civilian Records Manager	A through F
Police Captains	A through F
Police Lieutenants	A through F

Public Art Commission

Commission Members	A through F
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Public Utilities Board

Board Members	A through F
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Public Works

Public Works Director	A through F
City Engineer	A through F
Public Works Coordinator	A through F
Public Works Superintendent	A through F
Public Works Supervisor	A through F
Public Works Supervisor – Ferry Manager	A through F
Senior Civil Engineer	A through F
Supervising Civil Engineer	A through F
Associate Civil Engineer	A through F
Traffic Engineer	A through F
Survey & Construction Inspector Supervisor	A through F
Senior Construction Inspector	A through F
Construction Inspector	A through F
Administrative Management Analyst	A through F
Administrative Management Analyst Environmental Services	A through F
Administrative Services Coordinator	A through F

*Reporting requirements covered by other law.

Recreation and Park Commission

Commission Members

A through F

Recreation and Parks Department

Recreation and Parks Director

A through F

Recreation Services Manager

A through F

Senior Services Manager

A through F

Recreation Supervisors

A through F

Park Manager

A through F

Social Service Human Relations Board

Board Members

A through F

Transportation Commission

Committee Members

A through F

Consultants*

- * Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultants's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

DISCLOSURE CATEGORIES

An investment, interest in real property, or income is reportable if the business entity in which the investment is held, the interest in real property, or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of the employee's position.

An investment, interest in real property, or source of income or gift does not have a foreseeable material effect on an economic interest of the designated employee unless the business, real property or source of income or gift may foreseeably require legislative action or permits from the City of Alameda or may foreseeably enter into contracts or leases with or make sales of real property or goods or services to or be sold to the City of Alameda, a department thereof or the Housing Authority of the City of Alameda.

In general, that which a reasonable person would predict, anticipate, or expect beforehand, can be said to be "foreseeable". The term requires the application of reasonable judgment to assess the degree of likelihood that a decision made or participated in will as financial interest. Where the likelihood is sufficiently great that a reasonable person would predict or anticipate an effect on a financial interest, the effect of the decision is foreseeable. Clearly, in the context of designating positions within a Conflict of Interest Code, "foreseeable" means greater probability than "conceivable", yet less probability than "certainly".

CATEGORY A - INVESTMENTS

All direct or indirect investments of the designated employee valued over \$2,000 in a business entity, including any parent, subsidiary or related business, either (1) located in Alameda or (2) doing business in Alameda.

CATEGORY B - INTERESTS IN REAL PROPERTY

All direct or indirect interests over \$2,000 of the designated employee in real property located in Alameda.

CATEGORY C - INCOME (OTHER THAN GIFTS AND LOANS)

All direct or indirect income of the designated employee aggregating \$500 or more from any one source, during the reporting period.

CATEGORY D - LOANS

Outstanding loans and loans received by the designated employee from one source, aggregating \$500.00 or more during the reporting period.

CATEGORY E - GIFTS

Gifts to the designated employee from one source, which total \$50 or more during the reporting period.

CATEGORY F - TRAVEL PAYMENTS, ADVANCES AND REIMBURSEMENTS

Travel payments to the designated employee from one source, which total \$320 or more during the reporting period. Reportable travel payments include advances and reimbursements for travel and related lodging and subsistence.

INCOMPATIBLE ACTIVITIES

(A) No officer or employee shall engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his/her duties as an officer or employee or with the duties, functions or responsibilities of his/her appointing power or the agency. No officer or employee shall perform any work, service or counsel for compensation outside of his/her employment where any part of his/her efforts will be subject to approval by any other officer, employee, board of commission of his/her employing body.

(B) An employee or officer's outside employment, activity or enterprise is prohibited if that:

(1) Involves the use for private gain or advantage of his/her departmental time, facilities, equipment and supplies; the badge, uniform, prestige or influence of the departmental office or employment;

(2) Involves receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the City for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his/her employment as a part of his/her duties as a local agency officer or employee;

(3) Involves the performance of an act in other than his/her capacity as an officer or employee which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer or employee of the department by which he/she is employed;

(4) Involves such time demands as would render performance of his her duties as an officer or employee less efficient.

This Appendix C shall apply to all employees, officers and agents within the agencies covered by the Code.

(This Appendix does not incorporate by reference the definitions of the Political Reform Act and the regulations adopted pursuant thereto. Interpretations of Government Code Section 1126 are applicable and interpretations of the Political Reform Act may apply.)

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

MEMORANDUM

To: Honorable Mayor and
Councilmembers

From: Debra Kurita
City Manager

Date: October 19, 2005

Acceptance of revised designs for the cineplex and 350-space parking structure, at the corner of Oak Street and Central Avenue, within the C-C T (Community Commercial Theater) Zoning District.

BACKGROUND

The Community Improvement Commission (CIC) of the City of Alameda approved the historic Alameda Theater, Cineplex, and Parking Garage Project and adopted the Mitigated Negative Declaration for the Project on May 3, 2005. On May 17, 2005, the CIC approved a Resolution of Necessity to acquire the historic Alameda Theater property by eminent domain. The overall project will consist of an eight-screen movie theater including a 484-seat single-screen theater in the historic Alameda Theater and seven screens in the new cineplex, 6,100 square feet of retail, and a 350-space parking garage.

Final Design Review approval of the new cineplex and Final Design Review and Use Permit approval of the new parking garage were granted by the Planning Board on June 27, 2005 and upheld by the City Council on August 16, 2005. The City Council upheld the Planning Board decisions for both the cineplex and garage contingent on revising the exterior designs. The City retained a new architect, Komorous Towey Architects (KTA), to develop revised designs for both the parking garage and Cineplex (see Attachment #1 for KTA's relevant experience).

DISCUSSION

KTA revised the exterior designs of the cineplex and garage based on the City Council's direction at the Design Review Approval hearing on August 16, 2005. Revisions to the façade include reduction of scale and bulk, greater evocation of Art Deco style, additional vertical articulation, greater design consistency and symmetry, as well as greater articulation of blank surfaces.

Re: Public Hearing 5-A
11-01-05

Revised Cineplex Design

The following outlines the changes made to the cineplex design to respond to direction provided by the City Council:

- **Color Treatment.** The colors of the proposed cineplex were changed from a yellow color scheme to a sandy color palette with accents of related shades tending to Ochre/Sienna in order to be more compatible with the historic Alameda Theater. The façade will also include Celadon green accents at the bulkhead, awnings, and the second-story bay windows.
- **Lobby Window Treatment.** The second story curved lobby window was revised from one curved window to five bay windows to provide a less modern treatment of the lobby.
- **Building Height, Scale and Massing.** The 58-foot building height at the curved corner was eliminated to reduce mass at the corner. The parapet remains at 54 feet, four feet below the lowest building height of the historic Alameda Theater. The building height at the corner and along the Oak Street façade was stepped back 20 inches to the property line, resulting in a building height of 50 feet to the top of the set back. This helps to further reduce massing at the corner. Lastly, the corner of the cineplex adjacent to the historic Alameda theater was lowered to minimize the massing adjacent to the theater. This corner element was also rounded and glazed to provide better viewing of the rosette on the historic Theater from inside the second-story of the cineplex.
- **Art Deco Style.** The Art Deco style was strengthened in the revised design to further address comments made by the Historical Advisory Board (HAB), the Alameda Architectural Preservation Society (AAPS), and the Section 106 findings.
- **Vertical Articulation.** Vertical proportions and features were added to the design to relate to the vertical articulation of the surrounding buildings including the historic Alameda Theater, Twin Towers Church and Alameda High School buildings.
- **Design Articulation and Consistency.** Design features were incorporated into the design to further articulate blank wall surfaces and to unify and create greater consistency throughout the cineplex design. Features were also added to both the cineplex and parking garage so that the two designs were more consistent with each other and more compatible with the historic Alameda Theater.

Revised Parking Garage Design

The following outlines the changes made to the parking garage design to respond to direction provided by the City Council:

- **Building Height, Scale and Massing.** The top floor of the garage was set back approximately 18 feet to reduce the overall massing of the structure, resulting in a parapet of 48 feet. This is eight feet below the previous 56-foot parapet, and 10 feet below the lowest building height of the historic Alameda Theater and 22 feet below the top of the spires of the Twin Towers Church. Additionally, the elevator tower that raises above roof level was set back from the façade of the garage behind the stair tower. The Oak Street façade of the garage is visually divided into four stories, also helping to diminish the scale of an actual six-story garage. Lastly, openings were placed along the northern wall of the Santa Clara Elevation of the garage to further address concerns about the closed, blankness of this elevation. The public art project proposed as a vinyl panel is still proposed for the shear wall along this elevation.
- **Vertical Articulation.** The garage was designed to incorporate vertical elements in a comparable style to the South Locust Street Garage in Walnut Creek. The stair towers were also made to look more vertical.
- **Design Consistency.** Design elements were added to create greater consistency between the garage and cineplex facades. For example, the horizontal band that unifies the facade of the cineplex corresponds with a similar horizontal band along the façade of the garage at its second story, creating a relationship between the two designs. The delineation of the second story of the garage with a wider horizontal band emphasizes the first two stories, also helping to diminish the visual presence of the upper stories. In addition, the revised parking garage design evokes Art Deco style to relate to the revised cineplex design and to the historic Alameda Theater. Lastly, the Oak Street garage façade was revised to be more symmetrical by creating openings with uniform widths and bringing the northern stair tower to the front as a twin for the southern tower.

With acceptance by the City Council, in accordance with Aesthetics Mitigation #1 (Mitigation AES-1) and Cultural and Historic Resources Mitigation #1 (Mitigation HIST-1) in the Initial Study/Environmental Assessment (IS/EA), Mr. Bruce Anderson, the City's Section 106 consultant, will review these designs for compliance with the *Secretary of Interior's Standards for Rehabilitation and Restoration*. The revised designs, along with the updated Section 106 analysis will be presented to the HAB for review and comment. Subsequently, the City Council will consider the updated Section 106 findings and the minutes from the HAB meeting before taking a final approval action on the revised designs.

Dedicated to Excellence, Committed to Service

BUDGET CONSIDERATION/FINANCIAL IMPACT

The City Council action will not have a financial impact on the City.

ENVIRONMENTAL REVIEW

Implementation of the project requires local (City and CIC), state (State Office of Historic Preservation) and federal (HUD) actions, and therefore invokes the environmental documentation requirements of both the California Environmental Quality Act (CEQA), as amended, and the National Environmental Policy Act (NEPA). The City of Alameda as the "Lead Agency" under CEQA and the "Responsible Agency" under NEPA prepared a joint environmental document in the form of a CEQA-authorized Mitigated Negative Declaration (MND) supported by an Initial Study, and a NEPA-authorized Mitigated Finding of No Significant Impact (Mitigated FONSI) supported by an Environmental Assessment.

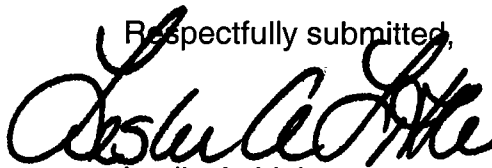
On November 8, 2004, a public meeting was held to take comments on the proposed scope of environmental review (Mitigated Negative Declaration/ Environmental Assessment) in accordance with HUD Environmental Regulations, Part 58. The draft Initial Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant aesthetic, air quality, cultural/historical, environmental hazard, geological, noise and transportation impacts identified in the Initial Study/Environmental Assessment.

On May 3, 2005, the City Council adopted the Mitigated Negative Declaration and approved the project. Since that time, there have been no changes to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162 or under NEPA. On September 1, 2005, the Housing and Urban Development (HUD) Department issued its release of funds to the City for the Brownfields Economic Development Initiative (BEDI) grant and Section 108 loan, therefore completing its NEPA clearance process.

RECOMMENDATION

Accept the revised Cineplex and parking garage designs and authorize Section 106 Review.

Respectfully submitted,

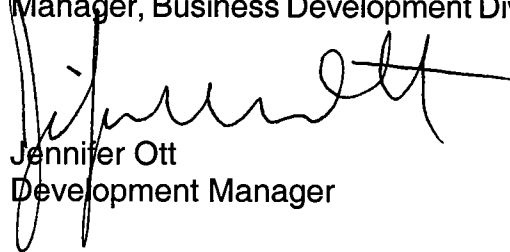


Leslie A. Little
Development Services Director

Dedicated to Excellence, Committed to Service



By: Dorene E. Soto
Manager, Business Development Division



Jennifer Ott
Development Manager

DK/LAL/DES/JO:dc

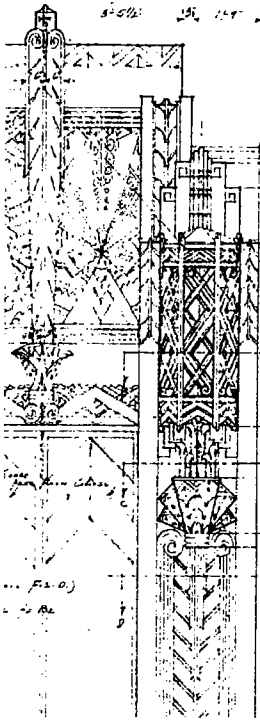
Attachments

1. Examples of Komorous-Towey Architects' Relevant Experience
2. Final Resolution of August 16, 2005 City Council Upholding of Planning Board Decision to Approve Design Review of the Proposed Cineplex
3. Final Resolution of August 16, 2005 City Council Upholding of Planning Board Decision to Approve Design Review and Use Permit of the Proposed Parking Garage
4. October 25, 2005 Revised Design Submittal for Proposed Cineplex and Parking Garage *(on file in the City Clerk's Office)*

cc: Kyle Conner, Alameda Entertainment Associates, LP
Planning Board



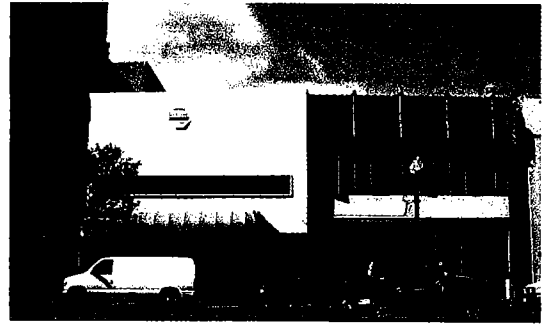
Mary A. Bowles Building
1721 Broadway Street
Oakland, California



Located in the heart of Oakland's Uptown area, the Mary A. Bowles Building is a unique example of vintage craftsmanship and timeless artistic expression.

KTA is providing the client with a full range of architectural and limited construction management services to complete the task of integrating the building, originally designed in high Art Deco style by Douglass Dacre Stone, into Oakland's present day office and retail community.

Closely studying the original 1930 working drawings, KTA will work to reverse the unfortunate renovation of the eastern half of the building.



Working with both the client and certain historic parameters, KTA is proposing a renovation to allow the Bowles building to gracefully re-enter the unique fabric of Oakland's diverse street facades.

KTA's goal is to refashion the Bowles building by harmoniously melding modern functionality and the original classic Deco appearance. With its delicately modeled brilliant green terracotta the Bowles building will be restored to its classic appearance, fully reestablishing its streetscape presence on the historic Broadway corridor.

The building includes approximately 25,000 square feet of office and retail space in two stories and a high ceiling basement level. Renovation plans include new restrooms, storefront and façade work, seismic and ADA upgrades.



KOMOROUS-TOWEY ARCHITECTS

315 14TH STREET ■ OAKLAND, CA 94612 ■ TEL 510.446.2244 ■ FAX 510.446.224

Attachment #1

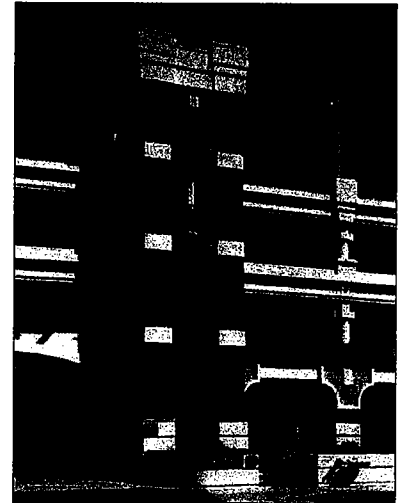


City Center Parking Structure Redwood City, California

Redwood City wished to build a parking structure to provide needed parking in the heart of Redwood City's downtown shopping district. The new structure was to fit the context of the historical downtown area. An exterior façade of traditional material finishes complements nearby historical buildings while embracing modern styles.

The three-story parking structure has symmetrical towers that define the stairwells, elevators and entry. This feature makes a practical aspect of the building visually appealing and easy to locate.

Landscaped lightwells located in the center of the parking structure bring natural light to the building interior. Interior lightwell, cable rails and strike plates transform a code requirement into an expressive feature and maximize interior daylight. Decorative elements at the second floor column caps reflect the long-span beam connections utilized throughout the structure. Clever use of these elements also serves to shield tendon anchors and weatherizes precast connections.



The City Center Parking Structure has been praised by patrons and merchants in the shopping district. The Mayor of Redwood City called the structure "perhaps the finest new building in town." The City Manager stated that the building exceeded the city's expectations. He added that the structure had a "creeping elegance," a phrase he coined to mean that the parking structure had raised the standard for design initially expected, and for all subsequent new buildings in the area. KTA was the design architect for this project, working in collaboration with the Watry Design Group.

KOMOROUS-TOWEY ARCHITECTS

315 14TH STREET ■ OAKLAND, CA 94612 ■ TEL 510.446.2244 ■ FAX 510.446.2242 ■ www.ktarch.com



Victorian Square Parking Structure Sparks, Nevada

In January 1996, the City of Sparks gave Komorous-Towey Architects and the Watry Design Group the challenge to design a parking structure that would incorporate the Victorian theme established for their new downtown retail and movie theater complex. This structure was to be designed within the established budget and within a very aggressive schedule of three and one half months. All of these goals were met and the structure completed construction in August 1997.



The main focal points of the structure are the stair and elevator towers located at the corners. The massing of the building mirrors the curved corner of the site. This 702 stall parking structure is the largest single building in the complex and will be duplicated as part of the master plan for the entire complex on the opposite side of the theater. The design incorporates expansion opportunities to the south. Double bay panels in the design reduce the perceived length of the structure.

KOMOROUS-TOWEY ARCHITECTS

315 14TH STREET ■ OAKLAND, CA 94612 ■ TEL 510.446.2244 ■ FAX 510.446.2242 ■ www.ktarch.com



Locust Street Parking Structure Walnut Creek, California

The City of Walnut Creek wanted a parking structure that fit harmoniously within the context of the small-scale downtown area that consist of specialty retail and restaurants. KTA was the Design Architect responsible for oversight of structural and construction document production. The Design Review Board rejected the original design submitted by Watry Design Group. KTA was then brought in to produce a new design, and to assist with the planning approval process.

The original parking and retail design was a massive 5-story tall concrete structure. The massing of the structure was redesigned so that the top levels recessed back from the facade, and a facade articulation of three part A-B-A rhythm was introduced to create a smaller scale for the entire building. The parking structure facade was refined with architectural details, utilizing an EIFS finish over concrete and concrete block, with brick, tile and metal rail accents.



Locust Street, Walnut Creek CA

The Locust Street Parking and Retail Structure significantly contributed to the surrounding retail shopping district by providing the much needed parking spaces to support the local merchants, and attracting new upscale retail tenants. The small-scale downtown area previously dominated by a bleak surface parking lot was revitalized with new businesses, and attracting retail customers from the outlying suburban areas. This project received high praises from the City as well as from the surrounding retail neighborhood and the public at large.

KOMOROUS-TOWEY ARCHITECTS

315 14TH STREET ■ OAKLAND, CA 94612 ■ TEL 510.446.2244 ■ FAX 510.446.2242 ■ www.ktarch.com

CITY OF ALAMEDA RESOLUTION NO. 13887

UPHOLDING THE PLANNING BOARD OF THE CITY OF ALAMEDA'S DECISION TO APPROVE DESIGN REVIEW DR05—0041 THE PROPOSED CINEPLEX AT 2305 CENTRAL AVENUE

WHEREAS, an application was made by Alameda Entertainment Associates L.P. for Final Design Review, including consideration of Section 106 findings, for the proposed 7 screen Cineplex at the corner of Oak Street and Central Avenue, generally on the Video Maniacs site; and

WHEREAS, the subject property is located in a C-C-T (Community Commercial, Theater Combining) Zoning District; and

WHEREAS, A Mitigated Negative Declaration was prepared and adopted on May 3, 2005 for the Alameda Theater, Cineplex and Parking Structure Project by the City Council. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162; and

WHEREAS, the Planning Board held a public hearing on this application on June 27, 2005 and approved DR-05-0041; and

WHEREAS, Ani Dinusheva and Valerie Ruma appealed the approval on 7 July 2005; and

WHEREAS, the City Council held a public hearing on this appeal on 16 August 2005 and has examined pertinent maps, drawings, and documents as well as the record of the Planning Board hearing; and

WHEREAS, the City Council made the following findings relative to Final Design Review, DR05-0041:

1. The project will have no adverse effects on persons or property in the vicinity.

With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be reduced to a less than significant level.

2. The project will be compatible and harmonious with the design and use of surrounding properties.

As modified by the staff in response to the Section 106 findings and comments from the Historical Advisory Board, the final design of the Cineplex will be compatible and harmonious with the design and use of surrounding properties. The design is consistent with state and federal historic preservation policies and standards (i.e., *Secretary of Interior's Standards for Rehabilitation and Restoration*).

Approved as to Form
CITY ATTORNEY

3. The project will be consistent with the *Final Design Guidelines for the Proposed Cineplex*.

The project meets the intent of the Design Guidelines adopted specifically for the project.

THEREFORE BE IT RESOLVED that the City Council of the City of Alameda hereby upholds the Planning Board's approval of DR05-0041 subject to the following conditions:

1. The project shall be constructed in substantial conformity with plans titled "New Alameda Multiplex Cinema", dated June 04, 2005, prepared by The Henry Architects Inc., labeled Exhibit A and on file with the Planning and Building Department as modified below.
2. The approved elevations are those shown on sheet A-2 on the plan set labeled Exhibit A as modified below.
3. The pre-cast concrete panels shall be detailed to the satisfaction of the Planning and Building Director.
4. Brick veneer shall be installed as a separation between the pre-cast concrete panels as shown on the plans provided by the developer at the 27 June 2005 Planning Board hearing to the satisfaction of the Planning and Building Director. However, the keystone caps on the brick veneer extensions as shown on these plans are specifically not approved, although a detailed cap element in keeping with the overall architectural character to add visual interest may be acceptable to the satisfaction of the Planning and Building Director.
5. A base element shall be installed below the storefront windows to the satisfaction of the Planning and Building Director
6. All brick veneer shall be variegated.
7. The colors of the proposed Cineplex shall be compatible with the Historic Alameda Theater to the satisfaction of the Planning and Building Director.
8. Staff will provide an off-agenda report to the City Council with an analysis of placing a ticket booth in its historic location in front of the theater. The ticket booth would not have to serve as a functional ticket booth replacing the ticket booth proposed for the vestibule of the Alameda Theater.
9. The second story curved lobby window shall be revised to provide a less modern treatment to the satisfaction of the Planning and Building Director.
10. All windows and door systems shall be clear anodized aluminum to match window and door systems of the historic Alameda Theatre retail spaces.
11. All windows shall be fitted with clear, non-tinted low e glass.

12. Entries to individual retail spaces shall not be recessed, except as required by the Alameda Building Code.
13. The project shall be subject to the City of Alameda Public Art Ordinance
14. Prior to the issuance of a building permit for the Cineplex, the Planning Board shall approve the final lighting and signage program for the Cineplex. The final lighting plan shall be prepared by a professional lighting designer.
15. Prior to the issuance of any building permit for the project, the applicant shall secure a Use Permit pursuant to Section 30-4.9(4)(g) relating to the height of the building and secure a Use Permit pursuant to Section 30-4.22 relating to the Zoning District in which the parcel is located.
16. Vesting. The use permit approval shall terminate one (1) year from the effective date of its approval, unless actual construction or alteration under valid permits has commenced within that time or the applicant applies for and is granted an extension prior to the expiration.
17. Construction Noise. Construction noise impacts shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to Monday through Friday, between 7:00 a.m. to 7:00 p.m., and on Saturday between 8:00 a.m. to 5:00 p.m., with no Sunday construction.
18. Construction Soil Control. All construction contracts shall contain dust control clauses. The developer shall require that all contractors control the dust by watering exposed earth surfaces, covering trucks transporting fill to the site, and daily removal of earth or mud carried onto City streets from the project site.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in the regular meeting of the City Council on the 16th day of August, 2005, by the following vote to wit:

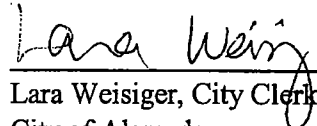
AYES: Councilmembers Gilmore, Matarrese and Mayor Johnson – 3.

NOES: Councilmembers Daysog and deHaan – 2.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 17th day of August, 2005.



Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA RESOLUTION NO. 13886

UPHOLDING THE PLANNING BOARD OF THE CITY OF ALAMEDA'S DECISION TO APPROVE DESIGN REVIEW DR05-0028 AND USE PERMIT UP05-0008 FOR THE PROPOSED NEW CIVIC CENTER PARKING GARAGE

WHEREAS, an application was made by the City of Alameda (Development Services Department) for a Use Permit for construction of a new 352-space parking structure and Final Design Review, including consideration of Section 106 findings, at 1416 Oak Street, the corner of Oak Street and Central Avenue, generally on the Video Maniacs site; and

WHEREAS, the subject property is located in the C-C-Theater (Community Commercial - Theater) District; and

WHEREAS, A Mitigated Negative Declaration was prepared and adopted on May 3, 2005 for the Alameda Theater, Cineplex and Parking Structure Project by the City Council. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162; and

WHEREAS, the Planning Board held a public hearing on the proposal on 27 June 2005 and approved the Use Permit and Design Review; and

WHEREAS, Ani Dinusheva and Valerie Ruma appealed the approvals on 7 July 2005; and

WHEREAS, the City Council held a public hearing on this appeal on 16 August 2005 and has examined pertinent maps, drawings, and documents as well as the record of the Planning Board hearing; and

WHEREAS, the City Council has made the following findings relative to the Use Permit:

1. The location of the proposed garage is compatible with other land uses in the general neighborhood area.

The parking garage will support the proposed reuse of the Alameda Theater and the new Cineplex. Other uses in the area include complimentary retail and institutional uses.

2. The proposed use will be served by adequate transportation and service facilities.

As mitigated by improvements required by the IS/MND, the project will not impact local intersections. With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts to traffic circulation can be brought to a satisfactory level of service.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.

Approved as to Form
CITY ATTORNEY

With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be reduced to a less than significant level.

4. The proposed use relates favorable to the General Plan.

The proposed parking garage is consistent with the site's General Plan designation of Community Commercial and would be consistent with Policy 2.5.1.

WHEREAS, the City Council has made the following findings relative to the Design Review:

1. The project will have no adverse effects on persons or property in the vicinity.

With the mitigations in the Mitigation Monitoring Reporting Program adopted for the Development and Disposition Agreement, the impacts of this project can be brought to a reduced to a less than significant level.

2. The project will be compatible and harmonious with the design and use of surrounding properties.

As modified by the staff in response to the Section 106 findings and comments from the Historical Advisory Board, the final design of the garage will be compatible and harmonious with the design and use of surrounding properties.

3. The project will be consistent with the City's Design Review Guidelines.

The project meets the intent of the City's Design Guidelines with building height, massing setbacks and finishes which are reflective and respective of existing historic and architecturally significant in the vicinity.

THEREFORE BE IT RESOLVED that the City Council of City of Alameda hereby upholds the Planning Board's approval of Use Permit UP05-0008 and Design Review DR05-0028 subject to the following conditions:

1. The project shall be constructed in substantial conformity with plans titled "Oak Street Public Parking Garage" dated June 7, 2005, prepared by Michael Stanton Architecture, labeled Exhibit A and on file with the Planning and Building Department as modified below.
2. Prior to the issuance of any building permit for the Public Garage, the Planning Board shall approve the final lighting plan, signage program and landscaping plan for the parking garage. The final lighting plan shall be prepared by a professional lighting designer.
3. The interior illumination of the garage shall meet these minimum standards:

- Minimum Horizontal Illumination is 1 foot-candle.
 - The Minimum Horizontal Uniformity is 10:1 (Maximum/Minimum).
 - The Minimum Vertical Illumination is .5 foot-candles.
4. The Public Art Committee shall approve the designs and dimension of the proposed temporary mural on the north elevation of the Public Garage.
 5. The minimum width of the proposed sidewalk along Oak Street shall be 10 feet wide.
 6. Textured and colored pavement shall be installed along mouth of garage to the satisfaction of the Planning and Building Director.
 7. A decorative brick framing shall surround the proposed poster display boxes to the satisfaction of the Planning and Building Director.
 8. The Oak Street elevation of the parking garage shall be revised to provide additional vertical elements in the style of the parking garage pictures of the Walnut Creek parking garage provided by the Alameda Architectural Preservation Society. The new elevation shall be submitted to and approved by the Planning and Building Director.
 9. Vesting. The use permit approval shall terminate one (1) year from the effective date of its approval, unless actual construction or alteration under valid permits has commenced within that time or the applicant applies for and is granted an extension prior to the expiration.
 10. Construction Noise. Construction noise impacts shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to Monday through Friday, between 7:00 a.m. to 7:00 p.m., and on Saturday between 8:00 a.m. to 5:00 p.m., with no Sunday construction.
 11. Construction Soil Control. All construction contracts shall contain dust control clauses. The developer shall require that all contractors control the dust by watering exposed earth surfaces, covering trucks transporting fill to the site, and daily removal of earth or mud carried onto City streets from the project site.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in the regular meeting of the City Council on the 16th day of August, 2005, by the following vote to wit:

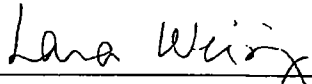
AYES: Councilmembers Gilmore, Matarrese and Mayor Johnson – 3.

NOES: Councilmembers Daysog and deHaan – 2.

ABSENT: None.

ABSTENTIONS: None.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 17th day of August, 2005.



Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

Memorandum

To: Honorable Mayor and Councilmembers

From: Debra Kurita
City Manager

Date: October 19, 2005

Re: Public Hearing to consider an Appeal of the Planning Board's approval of (UP05-0018), Use Permits for: a) multi-screen theater, live theater, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 a.m. for the theater pursuant to AMC Subsection 30-4.9A.c.1(a) for up to 24 days per year. The site is located at 2305 -2317 Central Avenue, within the C-C T (Community Commercial Theater Combining) District. Applicants: Kyle Conner, Alameda Entertainment Associates, LP. Appellants: Ani Dimusheva and Robert Gavrich.

BACKGROUND

The Community Improvement Commission (CIC) of the City of Alameda approved the historic Alameda Theater, Cineplex, and Parking Garage Project and adopted the Mitigated Negative Declaration for the Project on May 3, 2005. On May 17, 2005, the CIC approved a Resolution of Necessity to acquire the historic Alameda Theater property by eminent domain. The overall project will consist of an eight-screen movie theater including a 484-seat single-screen theater in the historic Alameda Theater and seven screens in the new cineplex, 6,100 square feet of retail, and a 350-space parking garage.

Final Design Review approval of the new Cineplex and Final Design Review and Use Permit approval of the Civic Center Garage were granted by the Planning Board on June 27, 2005 and upheld by the City Council on August 16, 2005. On September 29, 2005, the Planning Board granted approval of an application from Kyle Conner of Alameda Entertainment Associates, LP for a Use Permit for the historic Alameda Theater and proposed Cineplex. The Use Permit approvals included the following:

- a) multi-screen theater, live theater, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22;
- b) fifty-eight (58')-foot building height for the new Cineplex structure pursuant to AMC

**Re: Public Hearing 5-B
11-01-05**

Subsection 30-4.9A.g.2;

- c) extended hours of operation until 3:00 a.m. for the theater pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings for up to 24 days per year.

The matter was appealed by Ani Dimusheva and Robert Gavrich on October 10, 2005.

DISCUSSION

The applicants' Bases of Appeal are contained in Attachment #1 along with staff's responses.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The City Council action will not have a financial impact on the City.

ENVIRONMENTAL REVIEW

Implementation of the project requires local (City and CIC), state (State Office of Historic Preservation) and federal (HUD) actions, and therefore invokes the environmental documentation requirements of both the California Environmental Quality Act (CEQA), as amended, and the National Environmental Policy Act (NEPA). The City of Alameda as the "Lead Agency" under CEQA and the "Responsible Agency" under NEPA prepared a joint environmental document in the form of a CEQA-authorized Mitigated Negative Declaration (MND) supported by an Initial Study, and a NEPA-authorized Mitigated Finding of No Significant Impact (Mitigated FONSI) supported by an Environmental Assessment.

On November 8, 2004, a public meeting was held to take comments on the proposed scope of environmental review (Mitigated Negative Declaration/ Environmental Assessment) in accordance with HUD Environmental Regulations, Part 58. The draft Initial Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant aesthetic, air quality, cultural/historical, environmental hazard, geological, noise and transportation impacts identified in the Initial Study/Environmental Assessment.

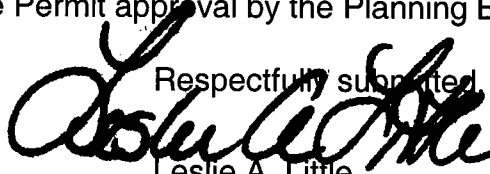
On May 3, 2005, the City Council adopted the Mitigated Negative Declaration and approved the project. Since that time, there have been no changes to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162 or under NEPA. On September 1, 2005, the Housing and Urban Development (HUD) Department issued its release of funds to the City for the Brownfields Economic Development Initiative (BEDI) grant and Section 108 loan, therefore completing its NEPA clearance process.

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RECOMMENDATION

Deny the appeal and uphold the Use Permit approval by the Planning Board.

Respectfully submitted,



Leslie A. Little

Development Services Director

By: 
Dorene E. Soto
Manager, Business Development Division


Jennifer Ott
Development Manager

DK/LAL/DES/JO:rv

Attachments

1. Bases of Appeal
2. Bruce Anderson's Section 106 Review and Findings Report (May 2005) *(on file in the City Clerk's Office)*
3. Letter from Mr. Bruce Anderson to Leslie Little, Development Services Director, dated June 1, 2005
4. Carey & Company and Mr. Bruce Anderson Statements of Qualification
5. Letter from David Corkill, Owner of Cinema West, dated September 14, 2005
6. Final Report of Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study prepared by EnviroTrans Solutions (December 2004) *(on file in the City Clerk's Office)*
7. Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study Update (September 29, 2005)
8. Redlined Version of Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study Update (September 29, 2005)
9. Final Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study Update (October 6, 2005)
10. September 29, 2005 Planning Board Staff Report
11. Final Planning Board Resolution
12. Draft Minutes from September 29, 2005 Planning Board Meeting

cc: Ani Dimusheva
Robert Gavrich
Kyle Conner, Alameda Entertainment Associates, LP
Planning Board

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ATTACHMENT 1 BASES OF APPEAL

Appeal of the approval of the Use Permit for the Multi-screen Theatre, Live Theatre, and Public Assembly use in the C-CT district, Item 6 (see below for full content of item) of the agenda of the Special Meeting of the Planning Board of September 29, 2005.

UP05-0018 - Kyle Conner/Alameda Entertainment Associates, L.P. - 2305, 2317 Central Avenue (JO). The applicant requests Use Permit approval for the following: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58' foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 a.m. for the theatre pursuant to AMC Subsection 30-4.9A.c.1 (a) for occasional special events and screenings. The site is located within the Park Street C-C T, Community Commercial Theatre Combining District.

We, the Citizens for a Megaplex-Free Alameda, hereby appeal the above use permit UP05-0018 on the following grounds --

Regarding the exception to the height limitations in the C-CT zone, our objections are founded upon the following:

1. The proposed project at the approved scale violates Standard 9 of the Secretary of Interior's Standards for Rehabilitation according to the city's own hired consultant, Robert Bruce Anderson, in a letter to Alameda Development Services Director Leslie Little, dated June 1, 2005.

RESPONSE #1:

The Section 106 process is a Federal process required as part of the Environmental Assessment and the environmental review for the distribution of funds by the U.S. Department of Housing and Urban Development. The City of Alameda retained Mr. Bruce Anderson to conduct a Section 106 review of the designs for the rehabilitation of the historic Alameda Theater, proposed cineplex and parking garage. Mr. Anderson prepared a Section 106 Review and Findings Report (May 2005) and a letter dated June 1, 2005 responding to questions raised to clarify the Report by Development Services Director, Leslie Little, which included an architectural rendering of the cineplex that incorporated Mr. Anderson's suggested design refinements (see Attachments #2 and #3). There is no statement made in Mr. Anderson's Section 106 Report and letter that the scale of the project violates Standard 9 of the *Secretary of Interior's Standards for Rehabilitation and Restoration*. In fact, the rendering of the cineplex enclosed as part of Mr. Anderson's correspondence with Ms. Little shows that the cineplex has the same scale and massing as the approved cineplex design.

Lastly, the Use Permit approved by the City of Alameda Planning Board on September 29, 2005 did not make an exception to the height limitations in the C-CT zone. The Alameda Municipal Code (AMC) Subsection 30-4.9A.g.2 allows buildings to be constructed in the C-CT zone at heights between 40 to 60 feet provided Use Permit approval is granted, and the project is within this range.

2. The site is surrounded by buildings either on the National Register of Historic Places, or eligible for listing, which raises the standards, to the highest level, "of sensitive and contextual design, demonstrating a deferential and respectful awareness of the significance of the site. . . In terms of scale, the project appears to be incompatible with surrounding historic buildings, in particular Alameda Theater and Twin Towers Methodist Church." [Woodruff Minor, Partial Aesthetics Impact Analysis, Proposed Cineplex and Parking Structure, Alameda California, August 2005, page 2-3]

RESPONSE #2:

The City of Alameda retained two different historic preservation professionals qualified to conduct Section 106 review in accordance with the *Secretary of Interior's Proposed Historic Preservation Professional Qualification Standards for Historic Architecture, Historic Preservation Planning and/or Architectural History* to review the massing, scale, and design of the proposed Alameda Theater Rehabilitation, Cineplex and Parking Garage Project for compliance with the *Secretary of Interior's Standards for Rehabilitation and Restoration*, as well as two additional urban design experts, as discussed below. These consultants are Carey & Company, which conducted the Section 106 review as part of the Initial Study/Environmental Assessment (IS/EA), and Mr. Bruce Anderson who conducted subsequent Section 106 review of the final proposed designs in compliance with Aesthetics Mitigation #1 (Mitigation AES-1) and Cultural and Historic Resources Mitigation #1 (Mitigation HIST-1) in the IS/EA (see Attachment #4 for consultant qualifications). As part of the IS/EA, Wagstaff and Associates (urban and environmental planners and prime consultant for the IS/EA), in conjunction with Carey & Company and Environmental Vision (visual simulation consultants) also conducted an Aesthetic Impact Analysis.

All of these studies conducted by the City's qualified consultants found the massing and scale of the project to be compatible with the historic Alameda Theater or other surrounding historic buildings. In compliance with Mitigation AES-1 and Mitigation HIST-1 in the IS/EA, the City has also retained Mr. Bruce Anderson to review the revised designs of the cineplex and parking garage being presented to the City Council on November 1, 2005 for compliance with the *Secretary of Interior's Standards*.

3. A project of this scale, with the currently-proposed financial structure, violates basic fiduciary standards, based on its huge projected deficit. The project invests approximately \$20 million in public funds and collects annual lease revenues of less than \$100,000, or less than 0.50% of the projected investment. According to Alameda Council Member Tony Daysog, "I am troubled by the fact that public funds used to construct the Cineplex-historic

theater renovation project will always exceed project revenues to the public by over \$11 million at a minimum."

RESPONSE #3:

Public Project Financing

The City of Alameda maintains sufficient funds to cover the cost of the publicly funded components of the Alameda Theater Rehabilitation, Cineplex, and Parking Garage Project. These public funds include already issued redevelopment tax increment bond proceeds based on existing tax increment, a HUD Section 108 loan/Brownfields Economic Development Initiative (BEDI) grant, and a fund balance from the City's parking meter revenue fund. There is no projected deficit for this project.

The City is using two forms of debt financing to fund the project, which are the tax increment bonds and the HUD Section 108 loan. The debt service on the tax increment bonds, including principal and interest payments, will be paid back using existing annual tax increment from the City's merged redevelopment area. The City issued bonds in December 2003 based on what the City already receives in annual tax increment, not a future speculative amount. Additionally, the City will pay back the HUD Section 108 loan, including principal and interest payments, from the following sources of funds: (1) historic Alameda Theater building lease payments from developer/operator to City; (2) new cineplex ground lease payments from developer/operator to City; (3) percentage rent from the developer/operator to the City; (4) developer/operator repayment of the City's loan for the cineplex; (5) City's rental income from historic Alameda Theater retail space; and (6) ongoing parking meter funds. There is no projected deficit in repaying either form of public financing.

City Return on Investment

Consistent with and pursuant to the direction in the City's Downtown Vision Plan (2000) and Economic Development Strategic Plan (2000), the City decided to restore the historic Theater as a movie theater because of the public benefits that arise from this use as an historic Theater, and not as a revenue-generating stand-alone use. The City never intended to implement a project that provided the highest economic return on its public investment. The City targets its limited public resources on projects that help further City revitalization goals and would not otherwise succeed in the private sector without public support. The rehabilitation and restoration of the historic Alameda Theater as a movie theater qualifies as one of these projects based on the significant up-front cost to restore the historic Theater, to seismically upgrade the building, and to update all of its basic electrical, mechanical, plumbing and other systems.

The historic Alameda Theater has been vacant or underutilized since it closed as a movie theater in 1979. The private sector has never succeeded at reusing the historic Alameda Theater as a movie theater or for any other significant economic use during that time because the investment required to seismically strengthen and to upgrade the systems in the historic Theater is so great in comparison to the potential revenue generated from a limited number of screens in the Theater. Several efforts to use the

Theater for non-Theater uses failed, and no significant proposal was ever presented for an economically viable use that would justify the necessary reconstruction and rehabilitation of the site. As a result, the City has committed to using public dollars to restore the Alameda Theater to its original use as a movie theater, combining the Theater property with other properties and constructing the parking lot that is part of this redevelopment project.

The City intends to invest public dollars into an Alameda Theater movie project that will generate sufficient revenues over the life of the project to help defray the costs of its initial capital investment; to provide an ongoing use that will create public access to the historic building; pay for operating expenses, maintenance, and upkeep of the property; encourage revitalization of the surrounding areas; and relieve the City of the continuing obligation to subsidize the property. Potentially, there are other non-movie theater uses for the historic Theater that could generate a greater revenue flow to the City, although the up-front costs would be significantly higher and perhaps prohibitive. No other proposal has been determined to be economically feasible in light of the acquisition costs, restoration costs, and upgrade costs to meet current codes and other restrictions that would apply to such uses. Many such options, moreover, would require major changes to the Theater interior, and would potentially violate historic preservation policies, the General Plan, and other area objectives and plans, all of which are adhered to by the approved project.

Long-Term Project Viability

The City's intentions are to invest in the restoration and rehabilitation of the historic Alameda Theater and maximize its potential for long-term viability as a first-run movie theater. Members of the community have raised questions about the market potential of a 3-screen or 5- to 6-screen theater project. The national trend in the movie industry is to consolidate movie theaters into fewer complexes with a greater number of screens.¹ In general, movie patrons demonstrate strong preferences for greater movie and show time selection in multi-plex theaters and better presentation value in terms of larger screen sizes, better sound quality and stadium seating. In light of these trends, the currently proposed 8-screen project presents the best opportunity for achieving a feasible first-run movie theater project over the long-term.

Single and 3-screen historic theaters are closing throughout the country.² The operator of the 3-screen historic Orinda Theater is negotiating to sell his leasehold to a nonprofit group due to competition from a new 14-screen theater in downtown Walnut Creek, and the single-screen historic theater in Lafayette recently closed due to lack of profitability as well. The following is a quote from a recent *San Francisco Chronicle* article about the closing of the Park Theater in Lafayette: " 'I feel very bad that we have to close the Park, but I can't operate a theater that continually loses money,' said Michaan, who also operates Oakland's Grand Lake Theater and the Orinda Theater, and recently sold the

¹ See "Number of U.S. Movie Screens" and "Number of U.S. Cinema Sites" at <http://www.natoonline.org/statistics.htm>.

² See the article on the National Trust website regarding, "Historic American Movie Theaters" at <http://www.nationaltrust.org/11most/2001/theaters.htm>.

Berkeley Oaks. 'It's happening all over America. It's become very hard for single-screen theaters like the Park to survive.'"³

Jack London Theaters in Oakland, across the estuary from the City of Alameda, is proposing to add five additional screens to its 9-screen theater complex. These additional screens and increased competition from multiplexes in surrounding areas pose a significant risk to the long-term viability of a single or 3-screen movie theater in Alameda. While a 5- or 6-screen project on the site provides additional movie choice, a theater this size is still vulnerable to future competition and limited in the type of film that will be shown compared with the proposed 8-screen theater. Additionally, it is likely that the proposed screens in a one-story 5- or 6-screen theater project at the site would be smaller than in a larger 8-screen complex due to the small size of the site. The smaller screens would make the 5- or 6-screen theater less competitive than an 8-screen theater with larger screens due to the fact that presentation value has become increasingly important in achieving feasibility in today's movie market.

The 8-screen project presents the least risk and provides the best opportunity for long-term project viability. More theaters provide additional movie choices and show times that will draw more customers to the theater. An 8-screen theater could be feasible and provide sufficient movie and screening choice to compete with Jack London Theater's expansion. The City's economic consultant, Keyser Marston Associates, and independent Bay Area movie developer and operator and owner of Cinema West, David Corkill, confirm this assessment (see Attachment #5).

4. The current project plan allows a theater complex so large that it would overwhelm the capacity of the proposed adjacent parking structure. The City, in planning a new 1526-seat theater complex (expandable to 1750 seats with the addition of two theaters in the balcony area of the historic theater) is actually creating net new demand for 450-550 spaces, according to their own environmental analysis [Downtown Alameda Theater, Cineplex and Parking Structure, Parking and Traffic Study, Final Report, December 3, 2004, EnviroTrans Solutions]. The proposed 352-space parking structure falls at least 100 spaces short of projected demand by theater patrons on peak nights, creating potential for gridlock.

RESPONSE #4:

The "Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study Final Report" (EnviroTrans, December 2004) was updated by EnviroTrans Solutions for the September 29, 2005 Planning Board meeting regarding the cineplex Use Permit (see Attachments #6 and #7). The update is based on the most recent parking demand and trip generation rates from the Institute of Transportation Engineers (ITE) manuals. The update provided to the Planning Board contained minor changes made by the City that had not been reviewed by EnviroTrans. The minor edits made by the City resulted in more conservative results. As a result, we are also providing a redlined version of the original update (September 29, 2005) provided by EnviroTrans to the City before the City changes were made (see Attachment #8) and a copy of the final

³ *San Francisco Chronicle*, "Loyal Fans Turn Out for Single-Screen Cinema's Last Hurrah," September 19, 2005

update (October 6, 2005) reviewed and approved by EnviroTrans that includes some of the City's same edits (see Attachment #9).

The December 3, 2004 EnviroTrans Solutions (ETS) Traffic and Parking Study identified a peak weekday parking demand of 346 spaces for a 1,750 seat theater with 3,900 square feet of retail space, and a Saturday peak parking demand of 470 spaces for the same project. These estimates of parking demand were based on peak parking demand rates from the *2nd Edition Institute of Transportation Engineers (ITE) Parking Generation, 1987*, which was the most current information when the study was undertaken. The "Final Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study Update, October 6, 2005," which updated the parking demand assessment based on the *3rd Edition ITE Parking Generation, 2004*, identified a peak weekday (i.e., Friday) parking demand of 465 spaces and a peak Saturday parking demand of 343 spaces. The *2nd Edition Institute of Transportation Engineers (ITE) Parking Generation, 1987*, report did not distinguish between Friday and other weekday parking demand as sufficient data was not available at the time the report was published. The parking demand presented in the *3rd Edition ITE Parking Generation, 2004* report was specifically for the Friday peak period, which is the highest use day during the week.

The original ETS study (December 2004) found that a 450-space garage was sufficient to meet the peak hour parking demand for the downtown when accounting for the new theater (a 1,750 seat theater with 3,900 square feet of retail), new library, and the loss of parking in association with the Park Street project. The study further stated that if the joint-use of under utilized parking facilities was accounted for in downtown, then the combination of a new parking facility (350 spaces) and available capacity at existing lots would be adequate to meet the parking demand for the proposed project.

This finding was based on a comprehensive study of parking occupancy and utilization in downtown Alameda that was undertaken to determine if a new parking garage was needed in the downtown and the appropriate size for a public garage, given other developments in the downtown and depending on parking management strategies employed by the City. Key among the strategies discussed was how the existing parking supply might be more efficiently used in the downtown through shared use of parking. The finding would still be accurate using the amended parking demand rates from the *3rd Edition ITE Parking Generation, 2004*. The results of the parking analyses are summarized in the following table for the theater/retail project only.

Parking Conditions	December 2004 Original Analysis		October 2005 Updated Analysis	
	Weekday	Saturday	Friday	Saturday
(a) Estimated New Parking Demand Theater	346	470	465	343
(b) Proposed Parking Garage Capacity	350	350	350	350
(c) Underutilized Downtown Parking Capacity	331	583	331	583
<i>Parking Shortfall/Surplus</i>				
Parking Garage Only (b - a)	+4	-120	-115	+7
Parking Garage and Available Parking ((b + c) - a)	+335	+463	+216	+590

The Planning Board is prohibited from issuing the use permit according to City of Alameda Ordinance 2937, Section 3, Subsection 30-4.22, Item d., referring to the Theater Combining District, and passed by the City Council on April 5, 2005.

The ordinance states:

"The Planning Board may authorize the issuance of a use permit only if the proposed parking is adequate to serve the use's peak parking demand as estimated by a study satisfactory to the Planning and Building Director."

There is no such finding of adequacy of peak parking demand.

- 1) Instead, the Parking section of the study that the city commissioned, dated December 3, 2004, conducted by EnviroTrans Solutions and International Parking Design, concludes the city needs to build a parking structure of 450-550 spaces to satisfy the proposed demand from the project (p.26, under Recommended Parking Structure Capacity), in contrast to the city's planned 352-space garage.

RESPONSE #4.1:

As previously stated, the December 3, 2004 EnviroTrans Solutions Traffic and Parking Study concluded that a 450-space garage was sufficient to meet the peak hour parking demand for the downtown when accounting for the new theater (a 1,750 seat theater with 3,900 square feet of retail), the new library, and the loss of parking in association with the Park Street project. Please note that page 26 of the study further states that if the joint-use of under utilized parking facilities is accounted for in downtown, then the combination of a new parking facility (350-space garage) and available capacity at existing lots would be adequate to meet the parking demand for the proposed project. The table above provides a summary of the parking demand associated with just the theater/retail project and the adequacy of parking per the city ordinance. As summarized in the table, the parking structure, in combination with the existing underutilized parking capacity in the downtown, would be adequate to meet the parking demand associated with the proposed project.

- 2) Referenced by the city's own staff report for the use permit hearing, the report cites a shortfall of 470 spaces on a "typical Saturday". (p. 26, and Table 13, p.27)

RESPONSE #4.2:

Please note that the "Final Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study Update, October 6, 2005," which updated the peak parking demand based on *3rd Edition ITE Parking Generation, 2004*, concluded that the parking demand would be 343 spaces on a "typical Saturday," but would increase from 345 to 465 on Friday. Also note that this analysis is conservative in its approach as it does not account for the different peak hour demands for retail versus theater uses, the possible synergistic effects resulting from mixed-use development (retail shops, restaurants, etc.), patronage of the theater, the use of alternative transportation modes (transit, walking and biking) in a downtown area, or the availability of underutilized capacity at existing parking lots. The combination of a new 350-space parking garage and available capacity at existing parking lots and facilities is adequate to meet the parking demand for the proposed Theater project.

- 3) The report's reference to a *typical* Saturday differs materially from the Ordinance's standard of *peak* parking demand. In the cinema industry, Saturday attendance is highly uneven. On the weeks of blockbuster or multiple blockbuster releases, Saturday attendance may be considerably higher than on those weeks when no blockbusters premiere. To satisfy the Ordinance's standard of adequacy for peak parking demand, the environmental report must identify periods of such peak parking demand, including distinguishing *peak* Saturdays from *typical* Saturdays, and specifying the parking demand requirements for these peak Saturdays.

The manual from which key ratios in the December 3, 2004 study are drawn, the *Institute of Transportation Engineers' Parking Generation Manual, 2nd Edition* (1987), does not break out parking demand for theaters by hour of day, crucial in determining peak parking demand.

In light of the above discrepancies, it is likely that the shortfall on *peak* Saturdays is considerably higher than the study's estimate of 470 spaces.

RESPONSE #4.3:

Please note that the "Final Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study Update, October 6, 2005," which updated the peak parking demand based on *3rd Edition ITE Parking Generation, 2004*, concluded that the parking demand would be 343 spaces on a "typical Saturday." The capacity of the garage is 350 spaces.

The parking demand presented in the December 3, 2004 ETS Traffic and Parking Study is the peak parking demand for a weekday and for a Saturday, as noted in Table 9 on page 22 and as derived from the *2nd Edition ITE Parking Generation, 1987* Movie Theater Rate (443) Movie Theater (443) rate. The ITE rate reflects the peak parking

demand rate based on averages derived from a survey of 11 theaters for weekdays (including Fridays) and surveys of nine theater for Saturday. The peaking characteristics for a theater are variable throughout the week, variable by premier schedules (as noted above), and variable by time of year.

The Urban Land Institute published a *Shared Parking* report in 1983. This report is the industry standard by which the opportunities for shared parking based on different peaking characteristics of various land uses are assessed. Based on a study of a mix of matinee and non-matinee movie theater sites, the report showed that peak parking demand for theaters occurs at 8:00 PM on weekdays and between 8:00 PM and 10:00 PM on Saturdays. Additional studies conducted by ITE and consultants have further documented use characteristics of theaters. A study conducted by ITE indicated that as the number of theater screens increases, the parking demand per seat decreases.⁴ A study conducted by DKS Associates over a five-year period (1997-2002) documented that the highest use days in theater attendance and parking demand during the year are the day after Thanksgiving; Saturdays during the December holiday period; the day after Christmas; and Saturdays in July.⁵ In addition, Fridays are documented as having the highest weekday use. This information is incorporated into the *3rd Edition ITE Parking Generation, 2004* background documentation for the Movie Theater with Matinee (444) rate. As previously noted, the peak weekday parking demand rate used in the October 2005 study update was for a Friday condition.

The initial parking analysis based on the *2nd Edition ITE Parking Generation, 1987* Movie Theater Rate (443), and the updated parking analysis based on the *3rd Edition ITE Parking Generation, 2004* Movie Theater with Matinee (444) rate and presented in the "Final Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study Update, October 6, 2005," both use the peak parking demand rate for the purposes of determining parking demand. The peaking data collected by ULI and ITE assists transportation engineers and consultants in understanding how often and when these peak conditions occur and, therefore, how the data should be applied in each case. The ULI shared parking study was used as a reference for the theater parking study, and the *3rd Edition ITE Parking Generation* manual has also been used in the City's consultant's analysis of the adequacy of parking for the project. Both sources have confirmed the appropriateness of using the peak parking demand rates from the ITE parking generation manuals to provide a conservative estimate of peak parking demand related to the theater.

- 4) Regardless of the study's conclusions, the use of *any* parking demand ratios from the above *Parking Generation* report as an authoritative finding, recommendation, or standard on parking demand is not scientifically valid. The providers of the data themselves warn against this. The *Institute of Transportation Engineers' Parking Generation Manual, 3rd Edition* (2004), published before the issuance of the December

⁴ Institute of Transportation Engineers. *Transportation Planning Handbook*, 2nd Edition. Washington, DC. ITE, 1999. Chapter 14, page 511.

⁵ DKS Associates and www.the-numbers.com.

3, 2004 parking study, contains several pages of disclaimers warning against the usage of its data, or that from the 2nd edition, in just the manner it was used in the December 3, 2004 study. Some excerpts from these disclaimers:

"Users need to be cognizant of the unique characteristics that can affect parking demand site-by-site and of the continued need for additional data." [p. vii]

"Users of this report should be reminded of the volunteer nature of the effort and their own professional responsibility to conduct parking surveys. . . " [p. viii]

"It should be understood that collection and assemblage of data contained in this report is done by volunteers and is not the result of a financed research effort. The ranges of information and statistics are provided *only* as an informational guide to planners and designers regarding parking demand. **This informational report does not provide authoritative findings, recommendations, or standards on parking demand.**" [p. 1, emphasis is the authors']

"This report is an information report - *NOT* a manual, recommended practice, or standard. The distinction may be subtle to many users, but it is very important to understand what Parking Generation is and is not. The report provides a point of reference to assist engineers and planners in making better decisions and judgments regarding parking demand. However the data alone will not provide accurate estimates." [p. 6, emphasis is the authors']

"While average (or mean) parking demand ratios are provided for nearly every land use, the ratios represent just one of the inputs in the assessment of parking demand." [p. 7]

"The average peak parking demand ratio represents the sum of peak parking demand data points for a specific period divided by the number of observations for that period (the mean). In the past (largely because other statistical data were not presented) the average value has been utilized as the likely peak parking demand for a land use. This may not be acceptable for some land uses. [For some data sets] the standard deviation or coefficient of variation may be large, which would indicate that the average may not be a good predictor of potential parking demand for that use" [p. 7]

"Finally, the collection of local parking demand data to supplement data in *Parking Generation* may help validate the use of any parking demand ratio (average or otherwise)." [p. 7]

To summarize Point 4, The December 3, 2004 report [Downtown Alameda Theater, Cineplex and Parking Structure, Parking and Traffic Study, Final Report, December 3, 2004, EnviroTrans Solutions] does not meet the test of Alameda Ordinance 2937, Section 3, Subsection 30-4.22, Item d, in that it:

- a) Concludes that the city needs to build a parking structure of 450-550 spaces, substantially large than the proposed 352-space garage.

- b) References demand on a *typical* Saturday, which falls materially short of the Ordinance's standard of adequacy for *peak* parking demand, and
- c) Uses key data from a report that warns repeatedly against the usage and abuse of its data in just the manner in which it is used and abused in the December 3, 2004 Parking and Traffic Study. The report again and again emphasizes the need to updated and local studies to determine peak parking demand ratios accurately. The City neither conducted nor commissioned such studies.

Since the City does not have a study that demonstrates a 352-space structure is adequate to satisfy peak parking demand for the proposed 1526-seat (expandable to 1750-seat) Theater project, the Municipal Code prohibits the Planning Board from issuing a use permit that would lift height restrictions and allow a theater complex of such size.

RESPONSE #4.4:

It is accepted industry standard to use parking and trip generation rates as published in the ITE Trip Generation and Parking Generation Manuals in preparing parking and traffic studies. They are used, however, with consideration given to the conditions of the study area in which the rates are applied. If comparable uses are available to document trip and parking generation, then specific studies may be undertaken for that comparable use. For the Alameda assessment, there are no similar land uses in the City that reflect the traffic characteristics pertaining to a downtown multiplex theater. The city and consultant therefore undertook parking studies for the current theater and garage proposal (documented in the December 3, 2004 ETS study) and reviewed previous studies of parking and theater demand conducted for the City of Alameda to determine how parking is used in downtown Alameda. All studies indicate that efficiencies in parking exist in downtown Alameda due to the sharing of parking that occurs as a result of the mix of uses with different peaking characteristics and the alternative modes of travel available (transit, walk, and bike). It was therefore determined that the published ITE rates would result in a conservative estimate of the peak parking demand associated with a theater located in downtown Alameda.

In summary, the use of nationally accepted industry-wide standards, such as ITE Parking Generation reports, significantly aids the decision-makers in making informed parking supply policy decisions such as sizing a parking facility, establishing parking requirements, or implementing a parking management strategy. The combination of a new 350-space parking garage and available capacity at existing parking lots and facilities is adequate to meet the parking demand for the proposed Theater project.

- 5. The plan for the cineplex and parking structure must follow the Civic Center Specific Plan for the entire 12-acre Civic Center Area, according to the General Plan, Section 3.4d. The section refers to all design and construction within the area, and specifically states that the construction of a first parking structure within the area "must occur in the context of a plan for the entire area", namely the Civic Center Specific Plan. The section states that the Civic

Center Specific Plan will "include uses building footprints and envelopes (location and bulk), architectural and landscape design character, street and pedestrian way design, and schematic design of parking areas/structures."

However, the City has not yet prepared and adopted the Civic Center Specific Plan, and therefore, by Section 3.4d, cannot allow design and construction of the cineplex and parking structure to proceed until it does so.

[Please note that the Civic Center Specific Plan is a formal, written plan. By contrast, at the September 29 Planning Board hearing, Vice President Anne Cook referenced general considerations about compatibility within the Civic Center area made during the theater planning process. Such general considerations are not sufficient to meet the requirements of the General Plan, Section 3.4d.]

RESPONSE #5:

The General Plan sets policy and recommendations for City action. This document makes many recommendations on a wide variety of issues, and funding for the implementation of General Plan recommendations are decided through the City's annual budget review process. While the General Plan recommends that the City adopt a Specific Plan for the Civic Center, the General Plan policies and recommendations do not automatically establish a moratorium on development; hence, the absence of a Civic Center Specific Plan does not stop all associated development in the City. On the contrary, the City is implementing a long-standing goal of the Alameda community by developing a multi-level parking garage as part of the Civic Center and downtown areas. This policy direction is presented in the City's various policy documents, including the 2000 Downtown Vision Plan and 2000 Economic Development Strategic Plan, which both resulted from extensive public participation over the course of many years.

The cineplex and parking garage projects are consistent with the General Plan. The applicable policies are identified below. Furthermore, the project achieves multiple City objectives such as helping to implement policies to revitalize the downtown, achieves historic preservation for the Alameda Theater, and contributes to the downtown as a cultural and entertainment venue (see policies listed below).

General Plan Civic Center Policies

3.3.g

Encourage off-site and multi-level parking in the Park Street and Webster Street business districts as essential to Main Street character. To maintain pedestrian character and visual interest, avoid locating parking structures at street level on corners and along retail streets.

3.4.c Prepare a list of desired public and private civic center users and their space needs. In addition to a new library, the list might include City functions now located elsewhere, a museum, a new theater, or a refurbished Alameda Theater, a downtown minipark, offices, and restaurants.

General Plan Retail Business and Services Policies

2.5.a Provide enough retail business and services space to enable Alameda to realize its full retail potential.

Downtown Vision Plan Strategic Action Plan

Strategy B1.2

Consider zoning ordinances or other measures that would encourage entertainment uses in the Downtown area.

Strategy B1.4

Coordinate phasing of theater redevelopment with development of parking structure.

6. The well-thought-out height restrictions currently in place, that this project will circumvent, are designed, in part, to preserve the downtown's existing character, a quality referred to in the City's General Plan many times.

1.2 "Small town feeling: Alameda has always been. . . an ideal urban/suburban community . . . The City does not have or want tall buildings. . . City's architecture . . . is gaining recognition as an irreplaceable asset. The Bay Area has no similar communities and none will be built"

2.5.b "Revitalize Alameda's historic downtown shopping districts on Park Street and Webster Street while maintaining the small-city scale."

3 City Design Element: "Alameda has a clear identity. . . among. . . Bay Area Cities with the strongest visual image. . . Alameda's historic urban fabric must continually be defended against pressures for development conforming to current standard practice."

3.3.e "Develop detailed design guidelines to ensure protection of Alameda's historic . . and small-town character"

RESPONSE #6:

As noted by the appellant, the height restrictions in the C-C T district are well thought-out to preserve the downtown's existing character. These restrictions take into account the potential need for taller buildings and, thus, incorporate provisions requiring a Use Permit approval for increased building heights. Specifically, the Alameda Municipal Code states that buildings in the Park Street district "may be increased to a maximum of five stories but not to exceed sixty (60') feet upon approval of a use permit." The cineplex building's proposed height of maximum 58' feet complies with this requirement. If the intent of the C-C district regulations were to prohibit buildings of such heights, the Municipal Code would not expressly permit taller buildings upon issuance of a Use Permit.

7. The proposed project adversely impacts the downtown's commercial diversity by condensing a single commercial activity to a block of prime importance.

RESPONSE #7:

This statement is false. There are no facts that indicate the consolidation of commercial spaces would impact the diversity of businesses in the Downtown. The project is part of a broad redevelopment strategy for the City's Downtown/Park Street district to support the existing commercial and retail uses in the vicinity. Multi-screen theater uses are commonly introduced as complementary to other businesses in downtown areas because theaters draw people to the area and allow them to cross-patronize other businesses. The existing historic theater, built in the 1930s, was designed with that same concept of providing entertainment with a retail component, and the current cineplex building continues that design. Furthermore, the new retail spaces are crucial in developing a synergy with nearby retail uses to invigorate the Park Street Commercial District. The proposed retail spaces are also designed with maximum street orientation that creates a more walkable street environment. Lastly, the project provides an entertainment and performance space that strengthens the existing civic and cultural center in the Downtown.

8. Increased height does not take into account the issue of increased mass that adversely affects vistas, shadowing, and aesthetic relationships to existing core buildings. According to Alameda historical preservation expert Woodruff Minor, "the bulk, massing, and scale of the project have the potential to substantially degrade the existing visual quality of the setting, both in terms of surrounding buildings, and scenic vistas." [Partial Aesthetics Impact Analysis, Proposed Cineplex and Parking Structure, Alameda California, August 2005]

RESPONSE #8:

The proposed project is within the massing and scale of the surrounding Park Street district and is compatible with the surrounding uses. The height of 58 feet is not the tallest structure in the Park Street vicinity. The height of the cineplex's parapet (54 feet) and the rounded corner (58 feet) are both well below the top of the towers of the Twin Towers Church, which reach a height that is close to 70 feet. The tallest point of the cineplex (58 feet) is only four feet higher than the ridgeline of Alameda High School (54 feet) but significantly lower than the ridgeline of City Hall (67 feet). Historic Preservation Architects Carey & Company also conducted the Section 106 segment of the Environmental Assessment for the project. As part of this analysis, Carey & Company reviewed the height and massing of the project and confirmed their consistency with the *Secretary of Interior's Standards for Rehabilitation and Restoration*. Mr. Bruce Anderson conducted a subsequent Section 106 review and did not object to the height and massing of the project as they relate to the *Secretary of Interior's Standards*. Furthermore, the City contracted with a professional consulting firm, Environmental Vision, to conduct a shading study of the project, and the results of that study demonstrate that there would be no adverse shading impacts on the adjoining properties.

9. The proposed height exemption allows the construction of a six-story unattended parking structure that presents safety issues which will add to the obligations of Alameda's already-overburdened police force.

RESPONSE #9:

The Use Permit approved by the Planning Board on September 29, 2005 was for the height of the cineplex structure, not the proposed parking garage. The Design Review and Use Permit for the garage were approved on August 16, 2005 by the City Council. The proposed parking garage was not granted a height exemption. The current proposed height of the garage meets the height limits in AMC 30-4.9A.g.2, which states that, "Parking structures, including parking structures which have a commercial use component, are exempt from the height limit provided the structure does not exceed six (6) stories. . ."

The parking garage and cineplex designs will be provided to the City of Alameda Police Department for review through the Crime Prevention Through Environmental Design (CPTED) program. As necessary, CPTED recommendations will be incorporated into the designs and operations plans for both the garage and the cineplex projects.

Regarding the approval for extended hours for the Alameda Theater project until 3 am, our objections are founded upon the following:

10. The 3 am timeframe is inconsistent with the purpose of the theater to be a catalyst for Park Street as no businesses are open at this time.

RESPONSE #10:

On normal days the last theater screening will be 11:00 p.m. The extended hours until 3:00 a.m. are to accommodate operations associated with 12:01 a.m. screenings for occasional new releases up to 24 days per year. During these occasions, the ticket box office will be closed after midnight, and the theater will be in operation for concessions and staff clean up until 3:00 a.m. The Planning Board's approval was also conditioned on limiting the late night screenings to the four ground floor screens. Furthermore, one of the Priority Actions under the Downtown Vision Plan is to add uses that would "attract day and nighttime customers which will encourage neighboring commercial uses to have extended hours of operation." The proposed extended hours for the cineplex are consistent with this recommendation.

11. The safety issues involved in a 3 am closure adds yet another burden, and cost, on Alameda's law enforcement capability.

RESPONSE #11:

As stated in Response #9, the parking garage and cineplex designs will be provided to the City's Police Department for review through the CPTED program. As necessary, CPTED recommendations will be incorporated into the final designs and operations plans for both the garage and the cineplex projects to help prevent and minimize impacts of the movie theater on public safety and the Police Department.

At the September 29, 2005 Planning Board meeting, Planning Board members discussed public safety issues related to late night screenings and late night queuing including the additional burden this could place on the Police Department (see Attachments #11 and #12). As a result, the Use Permit for these special screenings, which are restricted to 24 times a year, shall be reviewed by the Planning Board one year after the theater begins operation to ensure that the special screenings do not create public safety and budgetary issues for the City. Additionally, the final Planning Board Resolution for the cineplex Use Permit specifically states that the, "cost of extra police service and security if and when necessary, as determined by the Chief of Police, shall be born by the applicant."

12. The 3 am closure poses safety issues for patrons parking cars in the proposed unattended six-level garage.

The project has the potential to negatively impact Alameda High School Students. A six level, unattended parking structure with no human activity in it due to lack of retail space, in close proximity to the High School, can be very unsafe for students who choose to park their cars there. Recent reduction in police forces due to budget cuts makes this danger even more serious.

According to Section 6.3.c of the General Plan, "Approval of residential, commercial and industrial development may be conditioned upon the mitigation of the impact of such development on the Alameda Unified School District." No measures have been taken to mitigate such impact, nor any action undertaken to study the project's potential effects on the safety of schoolchildren.

RESPONSE #12:

As stated in Response #9, the parking garage and cineplex designs will be provided to the Police Department for review through the CPTED program. As part of the review process, the Police Department will be asked to specifically address any potential impacts on school children and the Alameda Unified School District (AUSD). As necessary, CPTED recommendations will be incorporated into the final designs and operations plans for both the garage and the cineplex projects to help prevent and minimize project impacts on public safety, the Police Department, and AUSD.

13. The 3 am closure would adversely affect Alameda's small-town character, a quality referred to in the City's General Plan many times, as referenced above in part 6.

RESPONSE #13:

There is no correlation between the extended hours of operation and the small town character of Alameda. Many existing uses in the Park Street Business District already have extended hours of operation including Juanita's Restaurant, La Pinata Restaurant, Jack-in-the-Box, and McGee's Bar and Grill. In fact, the General Plan encourages the City to "realize its full retail sales potential" under Policy 2.5.a. The occasional late-night screenings for the Theater offers variety to existing patrons and provide entertainment options that may extend their stay from dining and shopping. The extended hours for the theater would also offer a significant evening entertainment draw to Downtown and could support existing and potentially new complementary uses such as restaurants, cafes and other nighttime entertainment venues within the Park Street Business District. Furthermore the project is consistent with the themes of the General Plan (Section 1.2, page 3). The theater does not change Alameda from being a "quiet, friendly, predominantly residential community." Instead, the project implements respect for the City's history by restoring and preserving the historic Alameda Theater, which is essential to Alameda's economic and cultural environment. Moreover, the project de-emphasizes the automobile by creating a pedestrian oriented environment with additional storefront. Therefore, the proposed project relates favorably to the General Plan.

[Please note: In the September 29 Planning Board hearing, a member of city staff noted that the City received an update of the December 3, 2004 Parking and Traffic Study referred to in this appeal, and that the update reflects new data published in the Institute of Transportation Engineers' *Parking Generation*, 3rd Edition.

Gretchen Lipow of CMFA has requested the updated study throughout the week of October 3-7, 2005, but as of this writing, the City has not furnished us with the document. Given the requirement to file this appeal on or before Monday, October 10, we respectfully request the opportunity to amend this appeal and provide attachments as needed when we are furnished with the updated parking and traffic study. We will provide ample time for staff to review the amended appeal]

The updated September 29, 2005 Traffic and Parking Study provided to the Planning Board was emailed to Gretchen Lipow on October, 12, 2005.

Submitted by:

/s/ Ani Dimusheva

Date: 10-10-05

/s/ Robert Gavrich

Date: 10-10-05

for Citizens for a Megaplex Free Alameda

1 June 2005

Leslie A. Little
Development Services Director
Development Services Department
950 West Mall Square, Second Floor
Alameda CA 94501-7552

Re: SECTION 106 REPORT
REVIEW AND FINDINGS
May 2005

Dear Leslie,

This is a response to the messages that you left on my answering machine this past Friday morning, May 27, regarding the referenced document. I first heard your messages, and attempted to reach you by phone, when I returned to my office on Tuesday, May 31.

Re retention of the entire marquee of the Alameda Theater. The statement I made on page 10, item 6, is based on the set of drawings sent to me via FedEx on April 27 by Rob Henry for purposes of this review. Sheets No. A-3 and A-4 of this set clearly show the marquee's west end being flush with the west exterior wall of the Alameda Theater, whereas ARG's plan set indicates full retention of the original marquee.

Re retention of the original carpet in the mezzanine foyer and lounge (page 6, item 5). On this point, your message indicated that this carpet is not original. Accordingly to ARG, it is. (See page 13 of their matrix, as appended to my report.) Discussion of this item at the time of the walk-through of Alameda Theater on the afternoon of April 21, and as later confirmed by ARG at a meeting in their offices on April 29, a qualified expert had not been retained to analyze the feasibility of retaining, repairing and cleaning this original carpet vs. the cost of its removal and the fabrication and installation of a new replacement carpet.

Re present design and use of materials on Central Avenue and Oak Street façades of the cineplex (page 9, item 2). Your message indicated that you were a little confused about the meaning of this item, as the report did not "request modification". My response to this question or concern of yours perhaps is best served if I reiterate and further emphasize that which underlies the significance of both this item as well as item 1 in this section of the report regarding retail space storefront design.

As you know, the means by which the appropriateness of proposed work is determined is through application of, and conformance to, The Secretary's Standards. Standard 9 speaks to related new construction, and, inter alia, to "architectural features to protect the historic integrity of the property *and its environment*." [Italics added for emphasis.]

Pursuant to the language of Standard 9, the report states on page 10: *"Refinements in design of the Central Avenue and Oak Street façades should be given major consideration.* Formality and resolution of basic elements can be improved and enhanced to a much greater degree, consistent with the achievement of such qualities in nearby National Register properties." [Italics added.] The report, on page 9, provides several specific suggestions as to how such consistency might be achieved.

Again, pursuant to the language of Standard 9, the report addresses the proposed treatment of the Central Avenue retail space storefronts. On page 9: *"Specifically, the present solution is incompatible with the character-defining features to be found in almost all of the retail storefronts located within the Park Street Historic Commercial District."* The text of the report then details those character-defining features present in storefronts located within the Park Street Historic Commercial District but lacking in the present solution. On this item, the report concludes: *"Accordingly, redesign of the Central Avenue storefronts should be a high priority item."* [Italics added.]

I did not construct this report's normative statements (or recommendations, if you prefer) regarding the above items without giving considerable thought to such language. I do mean what I say regarding what needs to be done to bring exterior architectural features of the cineplex into greater conformance with The Secretary's Standards, and specifically, Standard 9.

At my own expense, I sat down with a colleague to graphically test application of the specific suggestions I have provided on page 9 regarding refinements in design to the Central Avenue and Oak Street façades. Using trace paper as an overlay on Sheet No. A-12, we prepared a rough sketch that incorporates many, if not most, of the suggested ways to achieve greater conformance of the façade design, including the retail storefronts, with The Secretary's Standards. Enclosed is a reduced print of that trace paper sketch.

Some of Alameda's appointed public officials, charged with review and approval of this project, have been rather forthright in expressing their own concerns regarding the cineplex façades as presently designed. At the May 9 meeting of the Planning Board, misgivings about the design and use of materials on the cineplex exterior were expressed by Board members Mariani, Cook and Cunningham. And at the April 7 meeting of the Historical Advisory Board, Board member Lynch expressed misgivings about the cineplex exterior due to the lack of specifics regarding its proposed design and use of materials.

Numerous work items that will affect the ultimate outcome of this project remain undecided, and therefore unresolved, for a variety of reasons. This is true of the historic Alameda Theater and public parking structure as well as the cineplex. Among the three components of this project, however, the new cineplex structure unquestionably will introduce the most evident, and probably most controversial, change to the existing street life and historic townscape of Downtown Alameda. While interior features and space planning of the proposed new cineplex appear to have obtained general acceptance and approval by the parties at interest, the same clearly cannot be said about its exterior design and use of materials.

Leslie A. Little

1 June 2005

Page 3

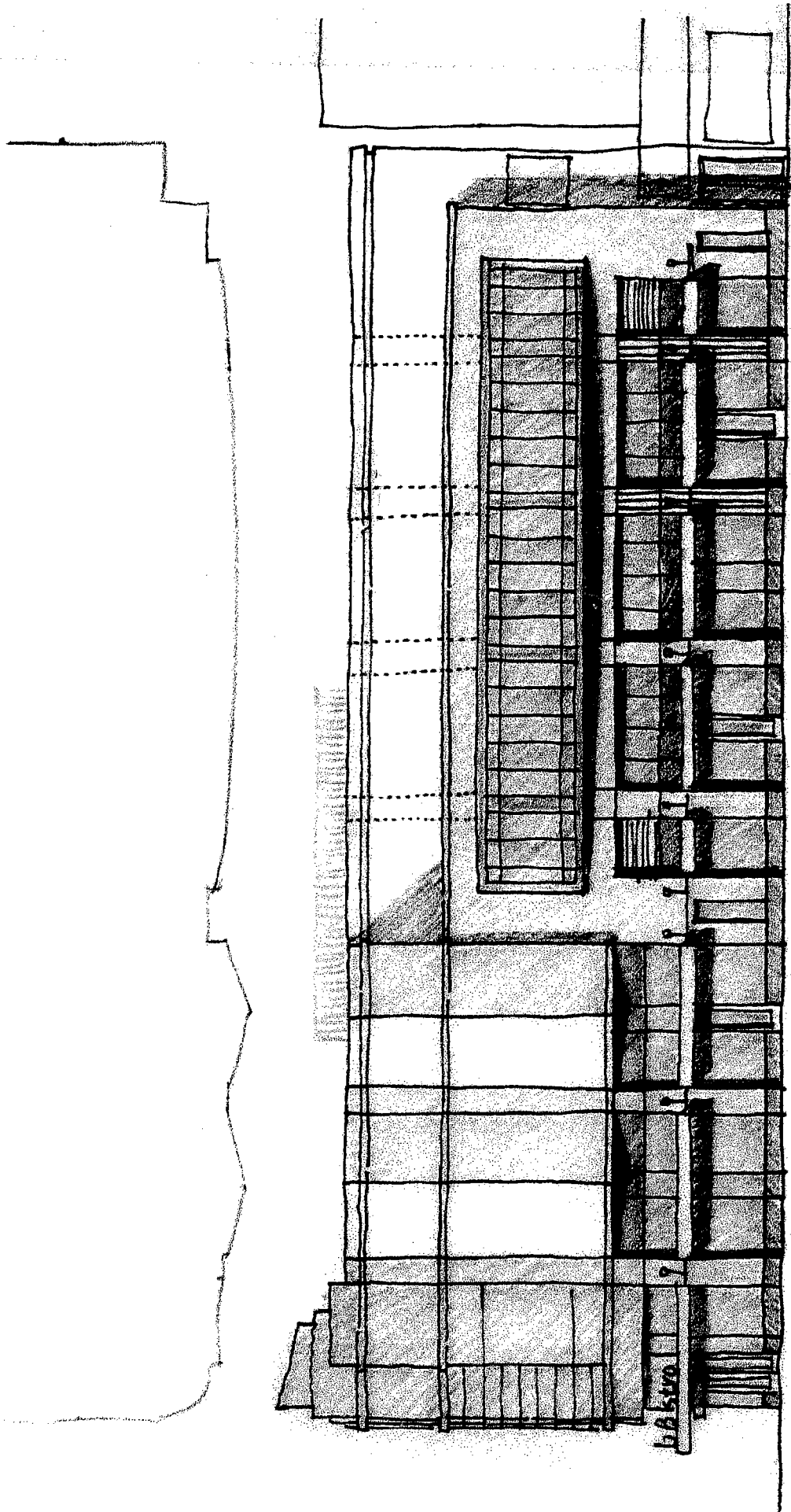
Accordingly, while detailed planning and design of interior features and space planning of the cineplex theater operations progresses, I would strongly urge the City of Alameda to continue its review and require further refinements in the design and use of materials for the Central Avenue and Oak Street façades and retail storefronts of the proposed cineplex structure, to a degree that achieves much greater consistency with identified character-defining features of Downtown Alameda's listed, and eligible for listing, National Register properties.

Sincerely

A handwritten signature in black ink, appearing to read "Robert Anderson", with a long horizontal line extending to the right.

Robert Bruce Anderson

Enclosure



R É S U M É

**HISASHI B. SUGAYA,
AICP**

***Director of Preservation
Planning and Project
Manager***

*Master of Urban Planning,
University of Oregon, 1969*

*Bachelor of Science,
Architecture, University of
Oregon, 1965*

*American Institute of
Certified Planners
Qualified 1978*

Hisashi B. Sugaya is a planner with an extensive background in historic preservation. He has over thirty years of planning experience, the last twenty related to the preservation of the built environment. During this period, he has been involved in many Section 106 documentations, cultural resource assessments for EIRs, Downtown Specific Plans, design review, the preparation of historic resource surveys, HABS/HAER documentation, historic structures reports, design guidelines, and the planning for continued use of historic resources as part of community development and tourism programs. Mr. Sugaya is past president of the San Francisco Landmarks Board. He currently is a Commissioner with the Board of Appeals, City and County of San Francisco.

■ PROFESSIONAL EXPERIENCE

CAREY & CO. INC. ARCHITECTURE, San Francisco, CA
Architectural Resources Group, San Francisco
SUGAYA Associates, San Francisco
Pacific Asia Travel Association (PATA), San Francisco
National Trust for Historic Preservation, San Francisco
City Planning Department, City of Eugene, OR

■ ACADEMIC EXPERIENCE

Seminar Coordinator, "Heritage Conservation," Honolulu & Macau, 1982-85
Lecturer, Cornell-China Tourism Industry Development Program, Honolulu, 1981
Advisor, Department of Urban Planning, University of Oregon, 1974-75
Visiting Lecturer, Department of Urban Planning, University of Oregon, 1974-75

■ PRESERVATION PLANNING EXPERIENCE

Project Manager

Alameda Theater, Section 106, Alameda
Panhandle Section 106, City and County of San Francisco
Richmond Transit Village HASR and Section 106, Richmond
7th Street Extension, Section 106, Sacramento
Pioneer Park Section 106 Review Documentation, San Francisco
State Route 160, Section 106, Sacramento
Martin Luther King Jr. Park/Civic Center, Section 106, Berkeley
City of Petaluma Specific Plan and EIR, Petaluma
Mid-Market Redevelopment Plan EIR, San Francisco
Bayview Hunter's Point Historic Resources Survey, EIR, San Francisco
Northern Alameda Waterfront Specific Plan EIR, Alameda

■ PUBLIC SERVICE

Board of Appeals, City and County of San Francisco, 2002-Present
Topaz Museum, Delta, Utah, 1997-Present

HISASHI B. SUGAYA

Résumé

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State Historical Building Safety Board, State of California, 1993-Present
San Francisco Seismic Safety Retrofit Bond Program Advisory Board, 1993-94
San Francisco Landmarks Preservation Board, 1988-92. President, 1992
Heritage Data Management Committee, State Office of Historic Preservation,
1984-88
Advisory Committee, Downtown Conservation Study, S.F. Heritage, 1981-82
Technical Committee, Fisherman's Wharf Action Plan, S.F. Port Authority, 1981
Board of Trustees, California Preservation Foundation, Oakland, CA, 1984-90. Vice
President, 1985-87. Chairman, Legislative Committee, 1984-86

■ **PROFESSIONAL AFFILIATIONS**

American Planning Association / American Institute of Certified Planners
Association for Preservation Technology
US/ICOMOS
National Trust for Historic Preservation
Foundation for San Francisco's Architectural Heritage

SECTION 106 PROJECT REVIEWS

Valencia Gardens Historic Resources Evaluation, CEQA and Section 106 Review, San Francisco, CA

Valencia Gardens was a San Francisco Housing Authority project completed in 1943. Designed by well known Bay Area architect William Wurster and landscape architect Thomas Church, the site featured sculptures by Beniamino (Benny) Bufano. The property was found to possess historic significance making it eligible for listing in the National Register of Historic Places. Valencia Gardens was proposed for demolition and replacement with new affordable housing prompting both CEQA and Section 106 reviews. A historic resources technical report was prepared by Carey & Co. which supported both CEQA and NEPA processes, in accordance with City and HUD procedures, respectively. The document also included a survey of additional properties within the boundaries of the APE.

In a subsequent project, Carey & Co. implemented the required mitigation measures including Historic American Buildings Survey documentation of the property prior to demolition. The documentation included an expanded history of the surrounding neighborhood and extensive large format photography.

United Nations Plaza Proposed Improvements, Section 106 Review, San Francisco, CA

Proposed minor improvements to United Nations Plaza were subject to Section 106 review due to its location within the boundaries of San Francisco's Civic Center Historic District, which is listed in the National Register of Historic Places. Carey & Co. prepared the required documentation set forth in the Caltrans *Guidance for Consultants*, including a Historic Property Survey Report (HPSR) and Finding of Effect (FOE).

Golden Gate Park Improvements: Panhandle Pedestrian, Bike Path & Lighting Project, Section 106 Review Documentation, San Francisco, CA

Carey & Co. completed a Section 106 Review Documentation following the Caltrans *Guidance for Consultants* for the Golden Gate Park Improvement Project. This includes preparing a Historic Property Survey Report (HPSR) of the Panhandle site including historic research, a site survey, preparing maps, and preparing Finding of Effect documents.

Pioneer Park Section 106 Review Documentation, San Francisco, CA

Carey & Co. completed a Section 106 Review Documentation of Pioneer Park at Coit Tower in San Francisco which was going to be undergoing several construction projects. This included developing an Historic Property Survey Report (HPSR) of Coit Tower which is a City Landmark, historic research, preparing a Request for Determination of Eligibility, and preparing a Request for Determination of Effect.

Richmond Transit Development, Section 106, Richmond, CA

Carey & Co. is completing a Section 106 report for the proposed Richmond Transit Development which includes an HASR, HPSR and Finding of Effect. This project is currently in progress.

7th Street Extension, Section 106, Sacramento, CA

The proposed 7th Street Extension project involved the addition of two vehicle lanes, pedestrian and bicycle facilities, an underpass, and flood control measures. Carey & Co. undertook a study to determine the impacts of the proposed project on historic resources. Two visual surveys were conducted which resulted in the identification of two Union Pacific Railroad yard structures that could have historic significance, including the Car Maintenance Building and Shed, and a Water Tower. The results of the survey and research concluded that these two structures were not eligible for individual listing on the National Register. The firm also conducted historical research. In addition, the scope involves determining whether any of the structures less than 50 years old meet the criteria for the National Register of Historic Places.

State Route 160, Sacramento, CA

The proposed conversion of State Route 160 near Sacramento from a highway to an arterial street, may require the demolition of two to four bridges that may have historic significance. Ten uninventoried, pre-1950 structures also stand within the proposed APE. Carey & Co. is currently completing an historic resource evaluation and report for the Preliminary Environmental Assessment Report (PEAR).

Other Section 106 Experience

- *San Francisco Housing Authority: Holly Courts, Westside Courts, Hunters Point, Hunters View, Potrero Terrace, Potrero Annex, Lundys Lane, Alemany, San Jule, 939 Eddy Street, 275 Thrift, Westbrook, Sunnydale, Ping Yuen*
- *Hayes Valley Replacement Housing Project, San Francisco*
- *North Beach Replacement Housing Project, San Francisco*
- *Berkeley Rail Stop/Transit Plaza Project, Berkeley*
- *Homer Avenue Caltrain Undercrossing, Palo Alto*

ROBERT BRUCE ANDERSON

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(415) 981-4010

January 2005

E D U C A T I O N

January, 1973: Salzburg Seminar in American Studies, Salzburg, Austria
Fellow, Urban Planning Session

May, 1967: University of Pennsylvania, Philadelphia, Pennsylvania
Master of City Planning, Graduate School of Fine Arts
University and Mellon Scholarships

June, 1964: Pomona College, Claremont, California
Bachelor of Arts, Philosophy
Ghosts (Men's Honor Society)
Bertha K. LeBus and Appreciative Parents Scholarships

E X P E R I E N C E

September, 1988 - : **Consultant, Urban Conservation & Urban Design**, San Francisco, California

City of Long Beach Redevelopment Agency and Willmore City Heritage Association, *Willmore District Implementation Plan*

City of Flagstaff, *The 2005 Plan: Strategies for Development*

City of Vallejo, Mare Island Sign Program, *Appendix C of Specific Plan for Mare Island*

City of San Jose Redevelopment Agency, *Downtown San Jose Historic District Design Guidelines*

Town of Tiburon, *Downtown Tiburon Design Guidelines*

City of Fremont, Special Assistant to Development & Environmental Services Department

University-Oakland Metropolitan Forum: Adviser, Joint Community Development Program

City of Palo Alto, Recommended Revisions to City's Historic Preservation Ordinance

San Francisco YMCA, Cultural Resources Management Plan and Section 106 Compliance,

Letterman Pool and Gym, Presidio of San Francisco National Historic Landmark District

East Bay Regional Park District, Historic Resource Evaluations of The Redwood Inn, Oakland; Ferry Point Pier and Terminal, Point Richmond; Cottage and Gardens at Dry Creek Ranch, Union City; and Section 106 compliance documents for Ferry Point Pier and Alvarado Park, Richmond.

California Department of Transportation, District 4, Historic Resource Evaluations of Transbay Transit Terminal, San Francisco, and Oliver Bros. Salt Co., Hayward.

County of Alameda, *Castro Valley Central Business District Revitalization Program*

City of Fresno, *Tower District Specific Plan and Design Guidelines*

City of Fremont (Irvington District), *Conceptual Design Plan, Streetscape Improvements Project and Design Development for the Gateways*

City of Oxnard, *Downtown Design Recommendations and Meta Street Master Plan*

1988, 1995 and 1996: **Instructor, Department of City and Regional Planning**, College of Environmental Design, University of California, Berkeley

1977 - May, 1988: **Vice President, Page, Anderson & Turnbull, Inc.**, Architecture and Urban Design, San Francisco, California

Developed and managed urban revitalization, urban design and cultural resource survey components of newly-established architecture and urban planning practice. Became a partner and owner of the firm, and assumed major responsibilities for daily operation of the office. Project manager portfolio consists of the following jobs and contract documents:

- (a) Port of San Francisco, *Design Guidelines for Restoration and Adaptive Use of the Ferry Building; Survey of Cultural Resources: Piers 14-22 1/2, The Agriculture Building & The Fire Boat House; Preliminary Case Report: Promenade Development and Pier 16 Demolition.*
- (b) City of Pasadena, *Design Guidelines and Zoning Overlay District for Old Pasadena; and Downtown Pasadena Urban Design Plan.*
- (c) City of Alhambra, *Conceptual Design Plan & Design Guidelines; Zoning Overlay District for Downtown Revitalization; Downtown Design Workshops; and Auto Row Alhambra.*
- (d) City of Sunnyvale, *Murphy Avenue Development Program.*
- (e) City of Whittier, *Whittier Uptown Design Plan.*
- (f) City of Santa Cruz, *Pacific Avenue Design Plan.*
- (g) City of San Luis Obispo, *Downtown Improvement Manual.*
- (h) Community Redevelopment Agency of Los Angeles, *First Street North Rehabilitation.*
- (i) Pleasanton Chamber of Commerce, *Downtown Pleasanton Revitalization.*
- (j) State of Nevada, *Procedures for Compiling a Statewide Inventory of Cultural Resources; and the Nevada State Historic Preservation Plan.*
- (k) City of Austin, Texas, *Recommended Revisions to the Zoning Ordinance; and the Austin Historic Preservation Plan.*
- (l) Historic Preservation Council for Tarrant County, Texas, *Tarrant County Historic Resources Survey.*
- (m) Victoria Preservation, Inc., and City of Victoria, Texas, *Introductory Guide to Victoria's Historic and Architectural Resources, Rehabilitation Manual, and Historic Preservation Program.*
- (n) City of Amarillo, Texas, *Amarillo Historic Building Survey.*
- (o) Encanto Citizens Association (Phoenix, Arizona), *Historic Resources Survey; and Encanto-Palmcroft National Register Historic District.*

Organized site visits and meetings for nine West Coast architects and urban designers in Berlin and six cities of the Federal Republic of Germany, with program and financial support provided by Aspen Institute Berlin and the City of Berlin (May-June, 1987).

Initiated site visits and meetings with public officials and design professionals in nine cities of the Federal Republic of Germany, to obtain information and review programs regarding townscape design, urban conservation and commercial district revitalization (October, 1981).

Consultant to Sullivans Cove Development Authority, to assess non-maritime revitalization opportunities for the inner harbor area of Hobart, Tasmania (August, 1981).

1977: Director of Comprehensive Planning, Department of Community Development, City of Santa Rosa, Santa Rosa, California

Management of the Comprehensive Planning section within the newly-established Department of Community Development (a "super agency" comprised of the former Planning and Building Departments, Redevelopment Agency and Housing Authority). Project completions:

- (a) Planning Commission recommendations for a total update of the *Santa Rosa Area General Plan*, consisting of eight separate elements, the Land Use Plan, and an Environmental Impact Report.
- (b) Development of automated procedures for conducting environmental assessment on a parcel-by-parcel basis throughout the Santa Rosa metropolitan area.
- (c) Planning Commission and Design Review Board recommendations for implementation of the *Downtown Design Plan.*

1975 - 76: Planning Director, City of Santa Rosa, Santa Rosa, California

Management of programs, personnel and budget of the Planning Department, and Secretary to the Planning Commission and Design Review Board. Specific responsibilities included:

- (a) Administration of all comprehensive and specific area planning programs.
- (b) Administration of all use permit, zoning reclassification, variance, environmental assessment and design review applications; tentative and final subdivision maps; annexation and rezoning recommendations; and *General Plan* referrals.

- (c) Administration of bi-weekly meetings of the Planning Commission and Design Review Board, requiring preparation of official hearing notices, agendas, case reports, resolutions and minutes.

1973 - 75: **Planning Officer, Bay Area Air Pollution Control District**, San Francisco, California

A senior management position to assist the Air Pollution Control Officer, the Deputy Air Pollution Control Officer and the District's 20-member Advisory Council with air quality planning for the nine-county Bay Area District. Primary responsibility consisted of examination and evaluation of District programs and operations, and identification of major planning issues. This included evaluation of policies and programs of the Environmental Protection Agency and the State Air Resources Board (e.g., Indirect Source Review, Transportation Management Plan, Air Quality Maintenance Plan); and potential future programs in air resource management. Other responsibilities included serving as District liaison to other regional agencies, and assisting the Air Pollution Control Officer with the District's legislative program in Sacramento, especially on AB-1758 (codification of state statutes governing air pollution) and SB-1543 (emission allocations).

1972 - 73: Residence, travel and study of art, architecture and city planning in Western Europe, primarily Switzerland, Northern Italy and Bavaria

1967 - 72: **Assistant to the Director of Planning, San Francisco Department of City Planning**

Day-to-day involvement in all major decisions of the Department. Specific responsibilities included administrative and technical assistance to the Director on matters of staff organization and management, particularly the Department's work program; preparation of special planning reports; legislative liaison with the Board of Supervisors, and program liaison with the Office of the Mayor and other city departments, and state and federal agencies; public presentations representing the Department to community and neighborhood associations; and recruitment and interviewing of professional personnel. Planning projects with major responsibility included:

- (a) *Forts Mason, Miley and Funston*, plan co-author, 1968.
- (b) *South Bayside Plan*, implementation of shoreline element with Bay Conservation and Development Commission, San Francisco Port Commission and The Nature Conservancy, 1969-72.
- (c) Golden Gate National Recreation Area, National Park Service project planning team, 1970-71.
- (d) *The Urban Design Plan for the Comprehensive Plan of San Francisco*, project administration, 1971-72.
- (e) San Francisco Airport Access Project (BART extension from Daly City), organization and planning program, 1970-72.

PAPERS, PRESENTATIONS AND CONGRESSES

"Public Participation in the Planning Process"; Keynote Speaker and Workshop Chairman
Congress of the Society of Polish Town Planners (TUP)
Warszawa, Poland, June, 1993

Special Adviser to the 26th World Congress, "The Environment and The City", Warszawa

Interviews with President Bendjedid, Algeria, newspaper *Horizons* and magazine *Algerie Actualité*
Participation as U.S. Representative by Invitation of the Ministry of the Interior
International Congress on Management of Major Algerian Cities
Algiers, Algeria, April, 1988

Organizer of San Francisco Exhibition, *Berlin Modern Architecture*

"The Use of Historic Resource Surveys in Formulating Urban Planning Policies and Design Programs"
Invited Speaker and Workshop Chairman
Congress of the International Federation for Housing and Planning
Sevilla, Spain, October, 1987

Lectures and Informal Consultations with Public Officials, Resident Professionals and University Faculty on the subjects of Urban Design and Urban Conservation

United States Information Agency
Alexandria, Egypt; and Jeddah, Dhahran and Riyadh, Saudi Arabia
September-October, 1987

"Recent Experiences in US Urban Renewal" and "Conflicts Between Conservation and New Development in the American City"

Lecturer at the Institut für Städtebau und Wohnungswesen
München, Federal Republic of Germany, October, 1986

"Plan Implementation in the Marketplace: Some Recent Trends, Issues and Opportunities"

Rapporteur, Congress of the International Society of City and Regional Planners
Berlin, Federal Republic of Germany, August, 1985

"Potential Contributions of Planning and Urban Design to the Conservation of Monuments and Sites"

7th ICOMOS General Assembly
Rostock and Dresden, German Democratic Republic, May, 1984

"San Francisco Revitalization Plans and Programs: A Case Report"

World Congress of the International Federation for Housing and Planning
Hamburg, Federal Republic of Germany, September, 1978

PROFESSIONAL ACCREDITATIONS AND AFFILIATIONS

University of Nevada, Reno, "Preparing Agreement Documents: Section 106 of the National Historic Preservation Act", 1992; and U.S. Office of Personnel Management, "Introduction to Federal Projects and Historic Preservation Law", 1983

American Institute of Certified Planners (AICP); Member, 1988-2000

International Society of City and Regional Planners (ISoCaRP); Vice President, 1988 - 1993

Association for Preservation Technology International

International Council on Monuments and Sites (ICOMOS)

Founding Director, The Foundation for San Francisco's Architectural Heritage

REFERENCES

Allan B. Jacobs
University Professor
Wurster Hall, University of California
Berkeley, California 94720
(510) 642-4840

Marty Craddock
Former Executive Director
Historic Preservation Council for Tarrant County, Texas
4904 Dexter
Fort Worth, Texas 76107
(817) 738-8037

Professor Emeritus Gerd Albers
TU München, Städtebau u. Regionalplanung
St. Jakobstrasse 9
D-82110 Germering
Federal Republic of Germany
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Robert Bruce Anderson
Urban Conservation & Urban Design

Robert Bruce Anderson provides consulting services to public agencies, private offices, and non-profit organizations on numerous kinds of projects and programs that involve identification, evaluation, rehabilitation and adaptive use of significant historic resources of the built environment.

Services and Products

- Research, evaluation and documentation of historic properties
- Program design and management of historic resource surveys and inventories
- Project compliance with state and federal historic preservation regulations
- Application of *The Secretary of the Interior's Standards for the Treatment of Historic Properties*
- Preparation and implementation of design guidelines and cultural resource management plans for adaptive use of historic structures and historic districts

Illustrative Projects and Experience

PRESIDIO OF SAN FRANCISCO NATIONAL HISTORIC LANDMARK DISTRICT

- Section 106 Compliance Documents: Evaluation of Proposed Alterations and Additions to Letterman Pool and Letterman Gymnasium Historic Structures
- Cultural Resources Management Plan: Documentation for Protection, Reuse, Removal and Recycling of Historic Building Fabric of Letterman Pool and Letterman Gymnasium

EAST BAY REGIONAL PARK DISTRICT

- Historic Resource Evaluations: The Redwood Inn, Oakland; Ferry Point Pier and Terminal, Point Richmond; and Cottage and Gardens at Dry Creek Ranch, Union City
- Section 106 Compliance Documents: Ferry Point Pier and Terminal, Point Richmond, and Alvarado Park, Richmond

CALIFORNIA DEPARTMENT OF TRANSPORTATION, DISTRICT 4

- Historic Resource Evaluations: Transbay Transit Terminal, San Francisco, and Oliver Bros. Salt Co., Hayward
- Historic Structures Report: Transbay Transit Terminal, San Francisco

SAN FRANCISCO DEPARTMENT OF CITY PLANNING

- Member, National Park Service Project Planning Team for the Golden Gate National Recreation Area
- Project Planner, Adaptive Use of Forts Mason, Miley and Funston

Professional Education and Accreditation in Historic Preservation

MASTER OF CITY PLANNING, University of Pennsylvania, Philadelphia, 1967

Introduction to Federal Projects and Historic Preservation Law, Seattle, 1983

Preparing Agreement Documents: Section 106 of the National Historic Preservation Act, Seattle, 1992

Practical Application of *The Secretary of the Interior's Standards for the Treatment of Historic Properties*; and Integrated Cultural Resource Management Plans: Preparation and Implementation, San Diego, 1999



P.O. BOX 750595 - PETALUMA, CA 94975 - 707-762-0990 VOICE - 707-762-3969 FAX

September 14, 2005

Ms. Leslie Little
City of Alameda
950 West Mall Square, 2nd Floor
Alameda, CA 94501

Re: Alameda Theatre

Dear Ms. Little:

At your request, I have conducted a preliminary analysis of the feasibility of renovating and operating the Alameda Theatre as a three-screen facility.

Our company has been involved in the renovation, expansion and operation of many downtown movie theatres in Northern California. Our projects include the recently opened 12-screen theatre in downtown Petaluma and the new theatre in downtown Livermore that is currently under construction. As the owner of our company, I am well qualified to provide the analysis you have requested.

From your description, a three-screen renovated Alameda Theatre would include a large first-floor theatre with approximately 500 seats and two upstairs theatres (created from the second floor balcony) that would be much smaller. This configuration would replace a currently proposed 8-screen renovated Alameda Theatre/Cineplex.

Let me start by providing a brief overview of a movie theatre industry that has rapidly evolved over the past 10 years. Stadium style seating, large screens, multiple screen offerings of single films and multiple film selection have become industry standards for movie theatres. The industry continues to provide bigger and better venues in order to effectively compete for patronage and remain financially viable. This trend is likely to continue for the foreseeable future.

There are many similar situations in the Bay Area that offer information to assist this analysis. One such example is in the City of Orinda. There, the original single screen Orinda Theatre was renovated and an adjacent two-screen expansion was constructed. Initially, the facility was successful and in 2001 achieved ticket sales of \$1,190,000. In 2003, a new 14 screen complex opened in Walnut Creek and last year, ticket sales fell to \$751,017. The operator of the Orinda Theatre is now seeking to transfer operation of the theatre to a non-profit community group because of the lack of profitability.

Attachment #5

September 15, 2005

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In analyzing the Alameda Theatre, the situation is very similar. The nearby Jack London Cinemas is planning to expand and increase their screen count to 14. Many of their films will play on more than one screen. The screen sizes and the convenience of additional showings will give the Jack London Cinemas the ability to draw many potential moviegoers from Alameda. Those Alameda moviegoers would instead support a comparable local venue. In my professional opinion, a three-screen Alameda Theatre would not be a comparable venue and would not restrain leakage.

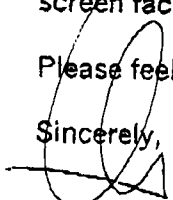
Another factor that should be considered is the population of Alameda. With over 70,000 residents, up to 12 screens could be viably supported. With three screens in a renovated Alameda Theatre and an existing single screen currently operating elsewhere, a void of screens would still exist. That void would subject the Alameda Theatre to the risk of more competition from future development.

Finally, adequate parking must be provided regardless of the project size. My understanding is that an adjacent parking structure is planned. I know from experience that it is incrementally more expensive to build a smaller structure (for a three-screen facility) than to build a larger structure (for an 8-screen facility). This is a serious cost vs. benefit issue.

In conclusion, it is my opinion that renovation of the Alameda Theatre as a three-screen facility is not feasible as there are too many financial risks.

Please feel free to call if you have further questions.

Sincerely,



David Corkill
Owner

Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study September 29, 2005 Update

Executive Summary

A preliminary analysis of a reduced retail project with updated traffic and parking generation rates was undertaken to identify whether there was a potential for traffic and parking impacts that had not been previously disclosed in the environmental document for the Downtown Alameda Theater, Cineplex, and parking structure project. For environmental purposes, the analysis was conservative in its estimate of traffic and parking generation as it assumed 100 percent occupancy of the theater, did not account for availability of nearby parking, and did not assume any linked trip activity. The analysis resulted in the following assessment of parking and traffic impacts when using the update rates compared to the 2004 Parking and Traffic Study:

- Updated weekday peak hour parking generation rates for retail were lower, but the weekday peak hour parking generation rates for theater were higher, resulting in a weekday peak hour parking demand increase from 345 to 465 spaces. This parking shortfall of 115 spaces would be comparable to the parking shortfall of 120 spaces previously described for the Saturday peak hour and now eliminated. No new significant parking impacts were identified.
- Updated weekend peak hour parking generation rates for theater and retail were lower and the previously projected Saturday parking shortfall of 120 spaces would be eliminated. Saturday parking conditions would be improved.
- There was no change in the AM peak hour trip generation rates and therefore no change in AM peak hour traffic impacts.
- The PM peak hour trip generation rate increased slightly for retail, but was reduced by half for theater; therefore the PM peak hour trip generation would be reduced from 260 to 135 trips. The PM peak hour traffic impacts would be reduced.
- The Saturday peak hour trip generation rates increased slightly for theater, resulting in an increase in PM peak hour trip generation from 422 to 437 trips. An increase of 15 trips (4 percent) in the peak hour would not result in significant new impacts from the project.

Background

During the public hearings on the Downtown Theater, Cineplex, and Parking Structure, concerns were expressed by the public regarding the validity of the traffic and parking study conducted for the project in light of the fact that new data was available in recently updated versions of the Institute of Transportation Engineers (ITE) traffic and parking generation manuals. The purpose of this report is to document the process as to how the trip and parking generation rates were originally developed, compare the traffic and parking impacts for the project using the most recently published ITE manuals and the rates previously applied, and determine if there are any environmental impacts associated with the use of the updated traffic and parking generation rates that were not previously disclosed in the environmental document.

The project that is currently before the city for approval has been downsized from the 1,750 seat theater and 3,900 gross square feet of retail project that was analyzed in the environmental document to a project with a 1,526 seat theater and 3,400 gross square feet of retail. Because the development agreement between the city and theater developer would allow up to a maximum of 1,750 theater seats and 10 screens on the site, only the retail component of the project has been reduced for analysis with the new trip rates. The comparison shows a worst-case condition with respect to theater impacts.

Project History

The parking and traffic study for the downtown theater and parking structure project was initiated in early 2003. At that time, the most up-to-date traffic and parking generation data was contained in the following two documents: *ITE 6th Edition Trip Generation*, 1997 and *2nd Edition, ITE Parking Generation*, 1987. The ITE trip and parking generation rates published in these manuals are based on field surveys of land uses at select locations throughout the United States. To obtain the most accurate data, sites which have little or no transit service and can be isolated from other uses, are generally selected for the purposes of developing the most accurate estimate of traffic and parking demand. Because these characteristics are not always representative of traffic and parking demand in a downtown urban area with high levels of pedestrian travel and transit access, adjustments may be made by local jurisdictions to account for the unique characteristics of their city. Therefore, prior to initiating the traffic and parking analysis, EnviroTrans Solutions worked with the Alameda Department of Public Works to verify the application of these traffic and parking rates for downtown Alameda.

The 6th Edition ITE trip generation rates for theater and retail were compared to previous studies conducted for downtown Alameda. In 1994, consultant Rick Mitchell performed a traffic and parking study for a downtown theater for the City of Alameda. For his study, theater trip generation rates from *5th Edition ITE Trip Generation* – 0.24 trips/seat for the weekday PM peak hour and 0.36 trips/seat for weekend peak hour – were adjusted downward by 35 and 30 percent, respectively, to account for shared parking and transit use that occurs in the downtown. The adjusted theater trip rates that were used in the Mitchell study were 0.156 trips/seat on weekdays and 0.252 trips/seat on weekends. These adjusted trip rates were comparable to the theater trip rates of 0.14 trips/per seat for weekday PM peak hour and 0.23 trips/seat for weekend peak hour that were published in *6th Edition ITE Trip Generation*, therefore, the Alameda Department of Public Works recommended that the new trip rates be used without further adjustment.

The trip generation rates for retail were based on ITE shopping center rates, as they are the published rates most comparable to a traditional downtown area with a mix of retail and commercial uses. The 6th Edition trip generation rates were used, unadjusted for the first draft of the traffic and parking study prepared in 2003 and were retained for the final study that was published in 2004. In 2004, 7th Edition ITE trip generation rates were reviewed in consultation with the city. The theater rates that had been developed for downtown Alameda were more comparable to the 6th Edition ITE trip generation and the retail rates did not change appreciably from the previous edition. Therefore, the city

recommended that the rates that had previously been accepted for the traffic and parking study be used for the final analysis.

For the parking demand, 3rd Edition ITE Parking Generation was not available until late 2004 after the final study was undertaken. Therefore 2nd Edition Parking Generation was the most up-to-date information available at the time that the study was being conducted.

The parking and trip generation rates from ITE were assumed to provide a conservative estimate of the parking and traffic impacts associated with the project for environmental evaluation because they are based on an assumption of stand alone uses. The sharing of public parking in downtown areas allows for more efficient use of parking than is generally reflected in the ITE rates. In 1983, the Urban Land Institute (ULI) published *Shared Parking*, a report documenting the opportunities for reducing parking supply in mixed-use environments such as downtown business districts. These opportunities come from two different factors: the linking of trips between destinations and the variation in peak parking demand for different land uses. For example, a customer to the theater, may park in the parking garage, but also make a quick stop at Longs Drugs and have dinner at a local restaurant before going to the movie. Considering these uses independently, each leg of the trip would require a parking space for the customer, but by providing a common parking facility in the downtown, only one parking space needs to be provided. In addition, restaurant and theater parking demand peaks at about 8:00 in the evening whereas, retail parking demand peaks at about 1:00 in the afternoon. By providing the land uses in close proximity and sharing the parking, the total number of parking spaces required would be less than if the parking was provided independently. These opportunities for shared parking were documented in the initial parking and traffic study.

Two theater and garage projects were analyzed in the 2004 Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study. The small theater and garage project included: 1,750 theater seats, 3,900 square feet of retail, and a 350 space parking garage. A second phase, that would have expanded the parking garage to the Longs Drugs store site, would have added 15,000 square feet of retail and 158 parking spaces to the small theater and garage project. These projects were considered to be the maximum potential build-out of the sites and were therefore the projects defined for the environmental analysis.

Comparison to New Generation Rates

Since the traffic and parking analyses were completed for the environmental document, the retail component proposed for the project was reduced to 3,400 square feet of retail (see Table A). While the project currently before the city for approval also includes a smaller number of theater seats (1,526), as previously stated, a worst-case analysis of a 1,750 seat theater was analyzed for this report. The potential impacts of the original project using the original trip and parking generation rates are compared to the impacts of the project with a reduced retail component using the updated traffic and parking generation rates. This analysis is conservative in its approach as it assumes 100 percent occupancy of the theater, looks only at the parking provided as part of the public parking

garage and does not account for the availability of any on-street or other public parking, and does not account for shared parking opportunities in the downtown. The results are summarized below.

The weekday and weekend peak hour parking generation rates for theater and retail from the updated *3rd Edition ITE Parking Generation* are lower than those published in the *2nd Edition* with the exception of the peak hour parking demand for the theater on weekdays (see Table B). For weekday peaks (Fridays), the theater parking demand rate increased from 0.19 to 0.26 spaces/seat. When comparing the peak parking demand for the proposed project to the previously analyzed project using the updated rates, the peak parking demand would increase from 345 spaces to 465 spaces on Friday and would decrease from 470 spaces to 343 spaces on Saturday. Using the new rates, there would be a parking shortfall of 115 spaces during the peak parking demand period on the weekday and there would be a surplus of 7 spaces during the weekend. This compares to the project initially analyzed, which would have experienced a 5-space surplus on weekdays and a 120-space shortfall on Saturdays. While the parking shortfall would increase on Fridays based on this new analysis, the Friday peak parking shortfall would be approximately the same as the shortfall that was originally projected for the Saturday peak and there would be a slight surplus of spaces on Saturday. As previously noted, these parking shortfalls are a conservative estimate of the parking impacts as they do not specifically account for shared parking use.

The *7th Edition ITE Trip Generation* manual added a new trip generation category for multiplex theaters (complexes with 10 or more screens). The new trip rates for multiplex theaters are lower than those published for “movie theaters with matinees.” Although the maximum number of screens allowed in the development agreement for the theater would be ten screens, the proposed project has fewer screens, therefore, the multiplex rates were not used in this comparison. Studies conducted by the ITE, however, suggest that as the number of theater screens increases, the parking demand and trip rates per seat go down. The comparison provided here is therefore considered to be a conservative assessment.

The new trip generation rates for a movie theater with a matinee published in *7th Edition ITE Trip Generation* were lower for the weekday PM peak hour, 0.14 trips/seat compared to 0.07 trips/seat, but increased for the Saturday peak hour of generator, from 0.23 to 0.36 trips/seat when compared to *6th Edition ITE Trip Generation* (see Table C). Peaking characteristics of theaters based on studies conducted by the Urban Land Institute (ULI) and published by ULI in *Shared Parking, 1983* have now been incorporated into the *3rd Edition ITE Parking Generation* manual recognizing the relevance of these previous studies. This data documented that the peak theater parking demand occurred at 8 PM in the evenings and that the demand was approximately 68 percent of the peak during the mid-day Saturday hour. With the concurrence of the Alameda Public Works Department, this adjustment factor was applied to the published Saturday trip generation rate to develop a more realistic mid-day (peak hour between 11:00 AM and 1:00 PM) trip generation of 0.24 trips/seat for the period when the traffic analysis was conducted. This adjusted rate is slightly higher than the Saturday trip generation rate that was used in the original traffic study.

The AM weekday and Saturday mid-day peak hour trips rates for retail did not change from the 6th to the 7th *ITE Trip Generation* manual. The PM peak hour trip rate increased only slightly from 3.74 trips/1,000 gross square feet (gsf) to 3.75 trips/1,000 gsf.

Applying these new trip rates to the reduced retail project, would result in a smaller number of trips being generated during the weekday PM peak hour. In the PM peak hour, the trip generation would go from 260 trips down to 135 trips. The AM peak hour trip generation would remain at 4 trips. The Saturday mid-day peak trips would be increased from 422 trips to 437 trips, reflecting the modest increase in theater trip generation rates. This modest increase in trips during the Saturday mid-day would not be expected to result in new significant impacts that were not previously identified in the environmental document.

Summary

The environmental analysis completed for the theater/garage project in late 2004 using the 6th *Edition ITE Trip Generation* and 2nd *Edition ITE Parking Generation* manuals, without adjustments for shared parking and reduced auto trips, would be a worst-case analysis of the environmental impacts associated with the proposed project. A preliminary analysis of a project with a reduced retail component and application of the traffic and parking generation rates in the 7th *Edition ITE Trip Generation* and 3rd *Edition ITE Parking Generation* manuals indicates that there would be no new significant traffic or parking impacts that were not previously identified.

**Alameda Downtown Parking Structure and Theatre Project
Updated Project Description and Parking and Trip Generation Rates
September 29, 2005**

**Table A
Project Description**

Use	Location	Units	Number
Updated Parking Garage/Theater Project			
Theater	Existing Theater	Seats	500
	New Theater	Seats	1,250
Retail	Retail	Sq. Ft.	3,400
Subtotal	Theater	Seats	1,750
	Retail	Sq. Ft.	3,400
	Parking Structure	Spaces	350
Parking Garage/Theater Project Analyzed in 2004			
Theater	Existing Theater	Seats	500
	New Theater	Seats	1,250
Retail	Retail	Seats	3,900
Subtotal	Theater	Seats	1,750
	Retail	Sq. Ft.	3,900
	Parking Structure	Spaces	350

Sources: VI Patel, City of Alameda Department of Public Works, October 19, 2004 and Jennifer Ott, Alameda Development Services Department, 9/27/05

**Table B
Parking Demand**

					Weekday		Saturday			
					Parking	Demand Rate	Spaces	Parking	Demand Rate	Spaces
Updated Parking Garage/Theater Project										
		Use	Units	Amount						
		Theater	seats	1,750		0.26	455		0.19	333
		Retail	1,000 gsf	3.4		3.02	10		2.97	10
Total							465			343
Parking Garage/Theater Project Analyzed in 2004										
		Theater	seats	1,750		0.19	333		0.26	455
Phase II		Retail	1,000 gsf	3.9		3.23	13		3.97	15
Total							345			470

Sources: 2004 Analysis - ITE 2nd Edition Parking Generation, 1987 (443 Movie Theater and 820-828 Shopping Center for Retail Rate:
2005 Analysis - ITE 3rd Edition Parking Generation, 2004 (444 Movie Theater w/ Matinee and 820 Shopping Center)

Table C
Trip Generation

Project	Use	Units	Amount	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
				Trip Gen.		Trip Gen.		Rate/Seat	
				Rates	Trips	Rates	Trips	1,000 sq ft	Trips
Updated Parking Garage/Theater Project									
	Theater	seats	1,750	0	0	0.07	123	0.24	420
	Retail	1,000 sq. ft.	3.4	1.03	4	3.75	13	4.97	17
Total					4		135		437
Parking Garage/Theater Project Analyzed in 2004									
	Theater	seats	1,750	0	0	0.14	245	0.23	403
	Retail	1,000 sq. ft.	3.9	1.03	4	3.74	15	4.97	19
Total					4		260		422

Source: 2004 Analysis - ITE 6th Edition Trip Generation Manual, 1997 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

2005 Analysis - ITE 7th Edition Trip Generation Manual, 2003 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

Note: The Saturday ITE trip generation rate of 0.36 trips/seat for theaters is for the peak hour of generator which is 8:00 PM according to 3rd Edition, ITE Parking Generation. The manual also indicates that the Saturday mid-day demand is 68 percent of the total peak hour demand. Therefore, the peak hour trip generation for the mid-day, the period when traffic counts were conducted and traffic analysis was performed, were estimated to be .24 trips/seat.

Table D

Inbound/Outbound Splits

Project	AM Peak Hour				PM Peak Hour				Saturday Peak Hour			
	Rates	Trips			Rates	Trips			Rates	Trips		
	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound
Updated Parking Garage/Theater Project												
Theater	0%	0%	0	0	55%	45%	67	55	44%	56%	235	185
Retail	61%	39%	2	1	48%	52%	6	7	48%	52%	9	8
Total			2	1			73	62			244	193
Parking Garage/Theater Project Analyzed in 2004												
Theater	0%	0%	0	0	53%	47%	130	115	46%	54%	217	185
Retail	61%	39%	2	2	48%	52%	7	8	48%	52%	10	9
Total			2	2			137	123			227	194

Source: 2004 Analysis - ITE 6th Edition Trip Generation Manual, 1997 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

2005 Analysis - ITE 7th Edition Trip Generation Manual, 2003 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study September 29, 2005 Update

Executive Summary

A preliminary analysis of a reduced retail project with updated traffic and parking generation rates was undertaken to identify whether there was a potential for traffic and parking impacts that had not been previously disclosed in the environmental document for the Downtown Alameda Theater, Cineplex, and parking structure project. ~~For environmental purposes, the~~ This analysis was conservative in its approach as it does not account for the different peak hour demands for retail versus theater uses, the possible synergistic effects resulting from mixed-use development (retail shops, restaurants, etc.) patronage of the theater, or the use of alternative transportation modes (transit, walking estimate of traffic and parking generation as it assumed 100 percent occupancy of the theater, did not account for availability of nearby parking, and did not assume any linked trip activity and biking) in a downtown area. The analysis resulted in the following assessment of parking and traffic impacts when using the update rates compared to the 2004 Parking and Traffic Study:

- Updated weekday peak hour parking generation rates for retail were lower, but the weekday peak hour parking generation rates for theater were higher, resulting in a weekday peak hour parking demand increase from 345 to 465 spaces. This parking shortfall of 115 spaces (465 updated parking demand less 350 parking spaces in the garage) would be comparable to the parking shortfall of 120 spaces (470 original parking demand less 350 parking spaces in the garage) previously described for the Saturday peak hour ~~and now eliminated~~. No new significant parking impacts were identified.
- Updated weekend peak hour parking generation rates for theater and retail were lower and the previously projected Saturday parking shortfall of 120 spaces would be eliminated. Saturday parking conditions would be improved.
- There was no change in the AM peak hour trip generation rates and therefore no change in AM peak hour traffic impacts.
- The PM peak hour trip generation rate increased slightly for retail, but was reduced by half for theater; therefore the PM peak hour trip generation would be reduced from 260 to 135 trips. The PM peak hour traffic impacts would be reduced.
- The Saturday peak hour trip generation rates increased slightly for theater, resulting in an increase in PM peak hour trip generation from 422 to ~~437~~455 trips. An increase of ~~15~~33 trips ~~(4 percent)~~ in the peak hour would not result in significant new impacts from the project.

Background

During the public hearings on the Downtown Theater, Cineplex, and Parking Structure, concerns were expressed by the public regarding the validity of the traffic and parking study conducted for the project in light of the fact that new data ~~was~~were available in recently updated versions of the Institute of Transportation Engineers (ITE) traffic and

parking generation manuals. The purpose of this report is to document the process as to how the trip and parking generation rates were originally developed, compare the traffic and parking impacts for the project using the most recently published ITE manuals and the rates previously applied, and determine if there are any environmental impacts associated with the use of the updated traffic and parking generation rates that were not previously disclosed in the environmental document.

The project that is currently before the city for approval has been downsized from the 1,750 seat theater and 3,900 gross square feet of retail project that was analyzed in the environmental document to a project with a 1,526 seat theater and 3,400 gross square feet of retail. Because the development agreement between the city and theater developer would allow up to a maximum of 1,750 theater seats and 10 screens on the site, only the retail component of the project has been reduced for analysis with the new trip rates. The comparison shows a worst-case condition with respect to theater impacts.

Project History

The parking and traffic study for the downtown theater and parking structure project was initiated in early 2003. At that time, the most up-to-date traffic and parking generation data was contained in the following two documents: *ITE 6th Edition Trip Generation*, 1997 and *2nd Edition, ITE Parking Generation*, 1987. The ITE trip and parking generation rates published in these manuals are based on field surveys of land uses at select locations throughout the United States. To obtain the most accurate data, sites which have little or no transit service and can be isolated from other uses, are generally selected for the purposes of developing the most accurate estimate of traffic and parking demand. Because these characteristics are not always representative of traffic and parking demand in a downtown urban area with high levels of pedestrian travel and transit access, adjustments may be made by local jurisdictions to account for the unique characteristics of their city. Therefore, prior to initiating the traffic and parking analysis, EnviroTrans Solutions worked with the Alameda Department of Public Works to verify the application of these traffic and parking rates for downtown Alameda.

~~The 6th Edition ITE trip generation rates for theater and retail were compared to previous studies conducted for downtown Alameda. In 1994, consultant Rick Mitchell performed a traffic and parking study for a downtown theater for the City of Alameda. For his study, theater trip generation rates from 5th Edition ITE Trip Generation—0.24 trips/seat for the weekday PM peak hour and 0.36 trips/seat for weekend peak hour—were adjusted downward by 35 and 30 percent, respectively, to account for shared parking and transit use that occurs in the downtown. The adjusted theater trip rates that were used in the Mitchell study were 0.156 trips/seat on weekdays and 0.252 trips/seat on weekends. These adjusted trip rates were comparable to the theater trip rates of 0.14 trips/per seat for weekday PM peak hour and 0.23 trips/seat for weekend peak hour that were published in 6th Edition ITE Trip Generation, therefore, the Alameda Department of Public Works recommended that the new trip rates be used without further adjustment.~~

The trip generation rates for retail were based on ITE shopping center rates, as they are the published rates most comparable to a traditional downtown area with a mix of retail

and commercial uses. The 6th Edition trip generation rates were used, unadjusted for the first draft of the traffic and parking study prepared in 2003 and were retained for the final study that was published in 2004. In 2004, 7th Edition ITE trip generation rates were reviewed in consultation with the ~~city~~City. The theater rates that had been developed for downtown Alameda were more comparable to the 6th Edition ITE trip generation and the retail rates did not change appreciably from the previous edition. Therefore, the ~~city~~City recommended that the rates that had previously been accepted for the traffic and parking study be used for the final analysis.

For the parking demand, 3rd Edition ITE Parking Generation was not available until late 2004 after the final study was undertaken. Therefore 2nd Edition Parking Generation was the most up-to-date information available at the time that the study was being conducted.

The parking and trip generation rates from ITE were ~~assumed~~determined to provide a conservative estimate of the parking and traffic impacts associated with the project for environmental evaluation because ~~they are based on an assumption of stand-alone uses.~~ The sharing of public parking in downtown areas allows for more efficient use of parking than is generally reflected in the ITE rates. In addition, use of alternative transportation modes (transit, walking and biking) in a downtown area are not reflected in the ITE rates. In 1983, the Urban Land Institute (ULI) published *Shared Parking*, a report documenting the opportunities for reducing parking supply in mixed-use environments such as downtown business districts. These opportunities come from two different factors: the linking of trips between destinations and the variation in peak parking demand for different land uses. For example, a customer to the theater, may park in the parking garage, but also make a quick stop at Longs Drugs and have dinner at a local restaurant before going to the movie.

Considering these uses independently, each leg of the trip would require a parking space for the customer, but by providing a common parking facility in the downtown, only one parking space needs to be provided. In addition, restaurant and theater parking demand peaks at about 8:00 in the evening whereas, retail parking demand peaks at about 1:00 in the afternoon. By providing the land uses in close proximity and sharing the parking, the total number of parking spaces required would be less than if the parking was provided independently. These opportunities for shared parking were documented in the initial parking and traffic study.

Two theater and garage projects were analyzed in the 2004 Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study. The small theater and garage project included: 1,750 theater seats, 3,900 square feet of retail, and a 350 space parking garage. A second phase, that would have expanded the parking garage to the Longs Drugs store site, would have added 15,000 square feet of retail and 158 parking spaces to the small theater and garage project. These projects were considered to be the maximum potential build-out of the sites and were therefore the projects defined for the environmental analysis.

Comparison to New Generation Rates

Since the traffic and parking analyses were completed for the environmental document, the retail component proposed for the project was reduced to 3,400 square feet of retail (see Table A). While the project currently before the city for approval also includes a smaller number of theater seats (1,526), as previously stated, a worst-case analysis of a 1,750 seat theater was analyzed for this report. The potential impacts of the original project using the original trip and parking generation rates are compared to the impacts of the project with a reduced retail component using the updated traffic and parking generation rates. This analysis is conservative in its approach as it ~~assumes 100 percent occupancy of the theater, looks only at the parking provided as part of the public parking garage and does not account for the availability of any on-street or other public parking, and does not account for shared parking opportunities in the downtown.~~ does not account for the different peak hour demands for retail versus theater uses, the possible synergistic effects resulting from mixed-use development (retail shops, restaurants, etc.) patronage of the theater, or the use of alternative transportation modes (transit, walking and biking) in a downtown area. The results are summarized below.

The weekday and weekend peak hour parking generation rates for theater and retail from the updated *3rd Edition ITE Parking Generation* are lower than those published in the *2nd Edition* with the exception of the peak hour parking demand for the theater on weekdays (see Table B). For weekday peaks (Fridays), the theater parking demand rate increased from 0.19 to 0.26 spaces/seat. When comparing the peak parking demand for the proposed project to the previously analyzed project using the updated rates, the peak parking demand would increase from 345 spaces to 465 spaces on Friday and would decrease from 470 spaces to 343 spaces on Saturday. Using the new rates, there would be a parking shortfall of 115 spaces during the peak parking demand period on the weekday and there would be a surplus of 7 spaces during the weekend. This compares to the project initially analyzed, which would have experienced a 5-space surplus on weekdays and a 120-space shortfall on Saturdays. While the parking shortfall would increase on Fridays based on this new analysis, the Friday peak parking shortfall would be approximately the same as the shortfall that was originally projected for the Saturday peak and there would be a slight surplus of spaces on Saturday. As previously noted, these parking shortfalls are a conservative estimate of the parking impacts as they do not specifically account for shared parking use.

The *7th Edition ITE Trip Generation* manual added a new trip generation category for multiplex theaters (complexes with 10 or more screens). The new trip rates for multiplex theaters are lower than those published for "movie theaters with matinees." Although the maximum number of screens allowed in the development agreement for the theater would be ten screens, the proposed project has fewer screens, therefore, the multiplex rates were not used in this comparison. Studies conducted by the ITE, however, suggest that as the number of theater screens increases, the parking demand and trip rates per seat go down. The comparison provided here is therefore considered to be a conservative assessment.

The new trip generation rates for a movie theater with a matinee published in *7th Edition ITE Trip Generation* were lower for the weekday PM peak hour, 0.14 trips/seat compared

to 0.07 trips/seat, but increased for the Saturday peak hour of generator, from 0.23 to 0.36 trips/seat when compared to 6th Edition ITE Trip Generation (see Table C). Peaking characteristics of theaters based on studies conducted by the Urban Land Institute (ULI) and published by ULI in *Shared Parking, 1983* have now been incorporated into the 3rd Edition ITE Parking Generation manual recognizing the relevance of these previous studies. This data documented that the peak theater parking demand occurred at 8 PM in the evenings and that the demand was approximately 68 percent of the peak during the mid-day Saturday hour. With the concurrence of the Alameda Public Works Department, this adjustment factor was applied to the published Saturday trip generation rate to develop a more realistic mid-day (peak hour between 11:00 AM and 1:00 PM) trip generation of ~~0.24~~0.25 trips/seat for the period when the traffic analysis was conducted. This adjusted rate is slightly higher than the Saturday trip generation rate that was used in the original traffic study.

The AM weekday and Saturday mid-day peak hour trips rates for retail did not change from the 6th to the 7th ITE Trip Generation manual. The PM peak hour trip rate increased only slightly from 3.74 trips/1,000 gross square feet (gsf) to 3.75 trips/1,000 gsf.

Applying these new trip rates to the reduced retail project, would result in a smaller number of trips being generated during the weekday PM peak hour. In the PM peak hour, the trip generation would go from 260 trips down to 135 trips. The AM peak hour trip generation would remain at 4 trips. The Saturday mid-day peak trips would be increased from 422 trips to ~~437~~455 trips, reflecting the modest increase in theater trip generation rates. This modest increase in trips during the Saturday mid-day would not be expected to result in new significant impacts that were not previously identified in the environmental document.

Summary

The environmental analysis completed for the theater/garage project in late 2004 using the 6th Edition ITE Trip Generation and 2nd Edition ITE Parking Generation manuals, without adjustments for shared parking and reduced auto trips, would be a worst-case analysis of the environmental impacts associated with the proposed project. A preliminary analysis of a project with a reduced retail component and application of the traffic and parking generation rates in the 7th Edition ITE Trip Generation and 3rd Edition ITE Parking Generation manuals indicates that there would be no new significant traffic or parking impacts that were not previously identified.

**Alameda Downtown Parking Structure and Theatre Project
Updated Project Description and Parking and Trip Generation Rates
September 29, 2005**

**Table A
Project Description**

Use	Location	Units	Number
Updated Parking Garage/Theater Project			
Theater	Existing Theater	Seats	500
	New Theater	Seats	1,250
Retail	Retail	Sq. Ft.	3,400
Subtotal	Theater	Seats	1,750
	Retail	Sq. Ft.	3,400
	Parking Structure	Spaces	350
Parking Garage/Theater Project Analyzed in 2004			
Theater	Existing Theater	Seats	500
	New Theater	Seats	1,250
Retail	Retail	Seats	3,900
Subtotal	Theater	Seats	1,750
	Retail	Sq. Ft.	3,900
	Parking Structure	Spaces	350

Sources: Vi Patel, City of Alameda Department of Public Works, October 19, 2004 and Jennifer Ott, Alameda Development Services Department, 9/27/05

**Table B
Parking Demand**

					Weekday		Saturday			
					Parking	Demand Rate	Spaces	Parking	Demand Rate	Spaces
	Use	Units	Amount							
Updated Parking Garage/Theater Project										
	Theater	seats	1,750			0.26	455		0.19	333
	Retail	1,000 gsf	3.4			3.02	10		2.97	10
Total							465			343
Parking Garage/Theater Project Analyzed in 2004										
	Theater	seats	1,750			0.19	333		0.26	455
Phase II	Retail	1,000 gsf	3.9			3.23	13		3.97	15
Total							345			470

Sources: 2004 Analysis - ITE 2nd Edition Parking Generation, 1987 (443 Movie Theater and 820-828 Shopping Center for Retail Rate:
2005 Analysis - ITE 3rd Edition Parking Generation, 2004 (444 Movie Theater w/ Matinee and 820 Shopping Center)

Table C
Trip Generation

Project	Use	Units	Amount	AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
				Trip Gen. Rates	Trips	Trip Gen. Rates	Trips	Rate/Seat 1,000 sq ft	Trips
Updated Parking Garage/Theater Project									
	Theater	seats	1,750	0	0	0.07	123	0.24	420
	Retail	1,000 sq. ft.	3.4	1.03	4	3.75	13	4.97	17
Total					4		135		437
Parking Garage/Theater Project Analyzed in 2004									
	Theater	seats	1,750	0	0	0.14	245	0.23	403
	Retail	1,000 sq. ft.	3.9	1.03	4	3.74	15	4.97	19
Total					4		260		422

Source: 2004 Analysis - ITE 6th Edition Trip Generation Manual, 1997 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

2005 Analysis - ITE 7th Edition Trip Generation Manual, 2003 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

Note: The Saturday ITE trip generation rate of 0.36 trips/seat for theaters is for the peak hour of generator which is 8:00 PM according to 3rd Edition, ITE Parking Generation. The manual also indicates that the Saturday mid-day demand is 68 percent of the total peak hour demand. Therefore, the peak hour trip generation for the mid-day, the period when traffic counts were conducted and traffic analysis was performed, were estimated to be .24 trips/seat.

Table D
Inbound/Outbound Splits

Project	AM Peak Hour				PM Peak Hour				Saturday Peak Hour			
	Rates		Trips		Rates		Trips		Rates		Trips	
	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound
Updated Parking Garage/Theater Project												
Theater	0%	0%	0	0	55%	45%	67	55	44%	56%	235	185
Retail	61%	39%	2	1	48%	52%	6	7	48%	52%	9	8
Total			2	1			73	62			244	193
Parking Garage/Theater Project Analyzed in 2004												
Theater	0%	0%	0	0	53%	47%	130	115	46%	54%	217	185
Retail	61%	39%	2	2	48%	52%	7	8	48%	52%	10	9
Total			2	2			137	123			227	194

Source: 2004 Analysis - ITE 6th Edition Trip Generation Manual, 1997 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

2005 Analysis - ITE 7th Edition Trip Generation Manual, 2003 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

Final Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study Update October 6, 2005

Executive Summary

A preliminary analysis of a reduced retail project with updated traffic and parking generation rates was undertaken to identify whether there was a potential for traffic and parking impacts that had not been previously disclosed in the environmental document for the Downtown Alameda Theater, Cineplex, and parking structure project. This analysis is conservative in its approach as it does not account for the different peak hour demands for retail versus theater uses, the possible synergistic effects resulting from mixed-use development (retail shops, restaurants, etc.), patronage of the theater, or the use of alternative transportation modes (transit, walking and biking) in a downtown area. The analysis resulted in the following assessment of parking and traffic impacts when using the update rates compared to the 2004 Parking and Traffic Study:

- Updated weekday peak hour parking generation rates for retail were lower, but the weekday peak hour parking generation rates for theater were higher, resulting in a weekday peak hour parking demand increase from 345 to 465 spaces. This parking shortfall of 115 spaces (465 updated parking demand less 350 parking spaces in the garage) would be comparable to the parking shortfall of 120 spaces (470 original parking demand less 350 parking spaces in the garage) previously described for the Saturday peak hour. No new significant parking impacts were identified.
- Updated weekend peak hour parking generation rates for theater and retail were lower and the previously projected Saturday parking shortfall of 120 spaces would be eliminated. Saturday parking conditions would be improved.
- There was no change in the AM peak hour trip generation rates and therefore no change in AM peak hour traffic impacts.
- The PM peak hour trip generation rate increased slightly for retail, but was reduced by half for theater; therefore the PM peak hour trip generation would be reduced from 260 to 135 trips. The PM peak hour traffic impacts would be reduced.
- The Saturday peak hour trip generation rates increased slightly for theater, resulting in an increase in PM peak hour trip generation from 422 to 437 trips. An increase of 15 trips (4 percent) in the peak hour would not result in significant new impacts from the project.

Background

During the public hearings on the Downtown Theater, Cineplex, and Parking Structure, concerns were expressed by the public regarding the validity of the traffic and parking study conducted for the project in light of the fact that new data were available in recently updated versions of the Institute of Transportation Engineers (ITE) traffic and parking generation manuals. The purpose of this report is to document the process as to how the trip and parking generation rates were originally developed, compare the traffic and parking impacts for the project using the most recently published ITE manuals and the

rates previously applied, and determine if there are any environmental impacts associated with the use of the updated traffic and parking generation rates that were not previously disclosed in the environmental document.

The project that is currently before the City for approval has been downsized from the 1,750 seat theater and 3,900 gross square feet of retail project that was analyzed in the environmental document to a project with a 1,526 seat theater and 3,400 gross square feet of retail. Because the development agreement between the city and theater developer would allow up to a maximum of 1,750 theater seats and 10 screens on the site, only the retail component of the project has been reduced for analysis with the new trip rates. The comparison shows a worst-case condition with respect to theater impacts.

Project History

The parking and traffic study for the downtown theater and parking structure project was initiated in early 2003. At that time, the most up-to-date traffic and parking generation data was contained in the following two documents: *ITE 6th Edition Trip Generation, 1997* and *2nd Edition, ITE Parking Generation, 1987*. The ITE trip and parking generation rates published in these manuals are based on field surveys of land uses at select locations throughout the United States. To obtain the most accurate data, sites which have little or no transit service and can be isolated from other uses, are generally selected for the purposes of developing the most accurate estimate of traffic and parking demand. Because these characteristics are not always representative of traffic and parking demand in a downtown urban area with high levels of pedestrian travel and transit access, adjustments may be made by local jurisdictions to account for the unique characteristics of their city. Therefore, prior to initiating the traffic and parking analysis, EnviroTrans Solutions worked with the Alameda Department of Public Works to verify the application of these traffic and parking rates for downtown Alameda.

The trip generation rates for retail were based on ITE shopping center rates, as they are the published rates most comparable to a traditional downtown area with a mix of retail and commercial uses. The 6th Edition trip generation rates were used, unadjusted for the first draft of the traffic and parking study prepared in 2003 and were retained for the final study that was published in 2004. In 2004, 7th Edition ITE trip generation rates were reviewed in consultation with the City. The theater rates that had been developed for downtown Alameda were more comparable to the 6th Edition ITE trip generation and the retail rates did not change appreciably from the previous edition. Therefore, the City recommended that the rates that had previously been accepted for the traffic and parking study be used for the final analysis.

For the parking demand, 3rd Edition *ITE Parking Generation* was not available until late 2004 after the final study was undertaken. Therefore *2nd Edition Parking Generation* was the most up-to-date information available at the time that the study was being conducted.

The parking and trip generation rates from ITE were determined to provide a conservative estimate of the parking and traffic impacts associated with the project for

environmental evaluation because the sharing of public parking in downtown areas allows for more efficient use of parking than is generally reflected in the ITE rates. In addition, use of alternative transportation modes (transit, walking and biking) in a downtown area are not reflected in the ITE rates. In 1983, the Urban Land Institute (ULI) published *Shared Parking*, a report documenting the opportunities for reducing parking supply in mixed-use environments such as downtown business districts. These opportunities come from two different factors: the linking of trips between destinations and the variation in peak parking demand for different land uses. For example, a customer to the theater, may park in the parking garage, but also make a quick stop at Longs Drugs and have dinner at a local restaurant before going to the movie.

Considering these uses independently, each leg of the trip would require a parking space for the customer, but by providing a common parking facility in the downtown, only one parking space needs to be provided. In addition, restaurant and theater parking demand peaks at about 8:00 in the evening whereas, retail parking demand peaks at about 1:00 in the afternoon. By providing the land uses in close proximity and sharing the parking, the total number of parking spaces required would be less than if the parking was provided independently. These opportunities for shared parking were documented in the initial parking and traffic study.

Two theater and garage projects were analyzed in the 2004 Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study. The small theater and garage project included: 1,750 theater seats, 3,900 square feet of retail, and a 350 space parking garage. A second phase, that would have expanded the parking garage to the Longs Drugs store site, would have added 15,000 square feet of retail and 158 parking spaces to the small theater and garage project. These projects were considered to be the maximum potential build-out of the sites and were therefore the projects defined for the environmental analysis.

Comparison to New Generation Rates

Since the traffic and parking analyses were completed for the environmental document, the retail component proposed for the project was reduced to 3,400 square feet of retail (see Table A). While the project currently before the city for approval also includes a smaller number of theater seats (1,526), as previously stated, a worst-case analysis of a 1,750 seat theater was analyzed for this report. The potential impacts of the original project using the original trip and parking generation rates are compared to the impacts of the project with a reduced retail component using the updated traffic and parking generation rates. This analysis is conservative in its approach as it does not account for the different peak hour demands for retail versus theater uses, the possible synergistic effects resulting from mixed-use development (retail shops, restaurants, etc.), patronage of the theater, or the use of alternative transportation modes (transit, walking and biking) in a downtown area. The results are summarized below.

The weekday and weekend peak hour parking generation rates for theater and retail from the updated 3rd Edition *ITE Parking Generation* are lower than those published in the 2nd Edition with the exception of the peak hour parking demand for the theater on weekdays

(see Table B). For weekday peaks (Fridays), the theater parking demand rate increased from 0.19 to 0.26 spaces/seat. When comparing the peak parking demand for the proposed project to the previously analyzed project using the updated rates, the peak parking demand would increase from 345 spaces to 465 spaces on Friday and would decrease from 470 spaces to 343 spaces on Saturday. Using the new rates, there would be a parking shortfall of 115 spaces during the peak parking demand period on the weekday and there would be a surplus of 7 spaces during the weekend. This compares to the project initially analyzed, which would have experienced a 5-space surplus on weekdays and a 120-space shortfall on Saturdays. While the parking shortfall would increase on Fridays based on this new analysis, the Friday peak parking shortfall would be approximately the same as the shortfall that was originally projected for the Saturday peak and there would be a slight surplus of spaces on Saturday. As previously noted, these parking shortfalls are a conservative estimate of the parking impacts as they do not specifically account for shared parking use.

The 7th *Edition ITE Trip Generation* manual added a new trip generation category for multiplex theaters (complexes with 10 or more screens). The new trip rates for multiplex theaters are lower than those published for “movie theaters with matinees.” Although the maximum number of screens allowed in the development agreement for the theater would be ten screens, the proposed project has fewer screens, therefore, the multiplex rates were not used in this comparison. Studies conducted by the ITE, however, suggest that as the number of theater screens increases, the parking demand and trip rates per seat go down. The comparison provided here is therefore considered to be a conservative assessment.

The new trip generation rates for a movie theater with a matinee published in 7th *Edition ITE Trip Generation* were lower for the weekday PM peak hour, 0.14 trips/seat compared to 0.07 trips/seat, but increased for the Saturday peak hour of generator, from 0.23 to 0.36 trips/seat when compared to 6th *Edition ITE Trip Generation* (see Table C). Peaking characteristics of theaters based on studies conducted by the Urban Land Institute (ULI) and published by ULI in *Shared Parking, 1983* have now been incorporated into the 3rd *Edition ITE Parking Generation* manual recognizing the relevance of these previous studies. This data documented that the peak theater parking demand occurred at 8 PM in the evenings and that the demand was approximately 68 percent of the peak during the mid-day Saturday hour. With the concurrence of the Alameda Public Works Department, this adjustment factor was applied to the published Saturday trip generation rate to develop a more realistic mid-day (peak hour between 11:00 AM and 1:00 PM) trip generation of 0.24 trips/seat for the period when the traffic analysis was conducted. This adjusted rate is slightly higher than the Saturday trip generation rate that was used in the original traffic study.

The AM weekday and Saturday mid-day peak hour trips rates for retail did not change from the 6th to the 7th *ITE Trip Generation* manual. The PM peak hour trip rate increased only slightly from 3.74 trips/1,000 gross square feet (gsf) to 3.75 trips/1,000 gsf.

Applying these new trip rates to the reduced retail project, would result in a smaller number of trips being generated during the weekday PM peak hour. In the PM peak

hour, the trip generation would go from 260 trips down to 135 trips. The AM peak hour trip generation would remain at 4 trips. The Saturday mid-day peak trips would be increased from 422 trips to 437 trips, reflecting the modest increase in theater trip generation rates. This modest increase in trips during the Saturday mid-day would not be expected to result in new significant impacts that were not previously identified in the environmental document.

Summary

The environmental analysis completed for the theater/garage project in late 2004 using the 6th Edition ITE Trip Generation and 2nd Edition ITE Parking Generation manuals, without adjustments for shared parking and reduced auto trips, would be a worst-case analysis of the environmental impacts associated with the proposed project. A preliminary analysis of a project with a reduced retail component and application of the traffic and parking generation rates in the 7th Edition ITE Trip Generation and 3rd Edition ITE Parking Generation manuals indicates that there would be no new significant traffic or parking impacts that were not previously identified.

Alameda Downtown Parking Structure and Theatre Project
Updated Project Description and Parking and Trip Generation Rates
October 6, 2005

Table A
Project Description

Use	Location	Units	Number
Updated Parking Garage/Theater Project			
Theater	Existing Theater	Seats	500
	New Theater	Seats	1,250
Retail	Retail	Sq. Ft.	3,400
	Theater	Seats	1,750
Subtotal	Retail	Sq. Ft.	3,400
	Parking Structure	Spaces	350
Parking Garage/Theater Project Analyzed in 2004			
Theater	Existing Theater	Seats	500
	New Theater	Seats	1,250
Retail	Retail	Sq. Ft.	3,900
Subtotal	Theater	Seats	1,750
	Retail	Sq. Ft.	3,900
	Parking Structure	Spaces	350

Sources: Vi Patel, City of Alameda Department of Public Works, October 19, 2004 and Jennifer Ott, Alameda Development Services Department, 9/27/05

Table B
Parking Demand

				Weekday		Saturday	
				Parking Demand Rate	Spaces	Parking Demand Rate	Spaces
	Use	Units	Amount				
Updated Parking Garage/Theater Project							
	Theater	seats	1,750	0.26	455	0.19	333
	Retail	1,000 gsf	3.4	3.02	10	2.97	10
Total					465		343
Parking Garage/Theater Project Analyzed in 2004							
	Theater	seats	1,750	0.19	333	0.26	455
Phase II	Retail	1,000 gsf	3.9	3.23	13	3.97	15
Total					345		470

Sources: 2004 Analysis - ITE 2nd Edition Parking Generation, 1987 (443 Movie Theater and 820-828 Shopping Center for Retail Ra
2005 Analysis - ITE 3rd Edition Parking Generation, 2004 (444 Movie Theater w/ Matinee and 820 Shopping Center)

Table C

Trip Generation

				AM Peak Hour		PM Peak Hour		Saturday Peak Hour	
				Trip Gen.		Trip Gen.		Rate/Seat	
Project	Use	Units	Amount	Rates	Trips	Rates	Trips	1,000 sq ft	Trips
Updated Parking Garage/Theater Project									
	Theater	seats	1,750	0	0	0.07	123	0.24	420
	Retail	1,000 sq. ft.	3.4	1.03	4	3.75	13	4.97	17
Total					4		135		437
Parking Garage/Theater Project Analyzed in 2004									
	Theater	seats	1,750	0	0	0.14	245	0.23	403
	Retail	1,000 sq. ft.	3.9	1.03	4	3.74	15	4.97	19
Total					4		260		422

Source: 2004 Analysis - ITE 6th Edition Trip Generation Manual, 1997 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

2005 Analysis - ITE 7th Edition Trip Generation Manual, 2003 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

Note: The Saturday ITE trip generation rate of 0.36 trips/seat for theaters is for the peak hour of generator which is 8:00 PM according to 3rd Edition, ITE Parking Generation. The manual also indicates that the Saturday mid-day demand is 68 percent of the total peak hour demand. Therefore, the peak hour trip generation for the mid-day, the period when traffic counts were conducted and traffic analysis was performed, were estimated to be .24 trips/seat.

Table D**Inbound/Outbound Splits**

		AM Peak Hour				PM Peak Hour				Saturday Peak Hour			
		Rates		Trips		Rates		Trips		Rates		Trips	
Project		Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound	Inbound	Outbound
Updated Parking Garage/Theater Project													
Theater		0%	0%	0	0	55%	45%	67	55	56%	44%	235	185
Retail		61%	39%	2	1	48%	52%	6	7	52%	48%	9	8
Total				2	1			73	62			244	193
Parking Garage/Theater Project Analyzed in 2004													
Theater		0%	0%	0	0	53%	47%	130	115	54%	46%	217	185
Retail		61%	39%	2	2	48%	52%	7	8	52%	48%	10	9
Total				2	2			137	123			227	194

Source: 2004 Analysis - ITE 6th Edition Trip Generation Manual, 1997 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)

2005 Analysis - ITE 7th Edition Trip Generation Manual, 2003 (444 Movie Theater w/ Matinee and 820 Shopping Center for Retail Rates)



City of Alameda • California

AGENDA

SPECIAL MEETING OF THE
CITY OF ALAMEDA PLANNING BOARD
THURSDAY, SEPTEMBER 29, 2005
7:00 p.m.

City Hall Council Chambers
2263 Santa Clara Avenue, Third Floor
(Corner of Santa Clara Avenue and Oak Street)
ALAMEDA, CA

City Hall will Open at 6:45 p.m.

Please file a speaker's slip if you wish to address the Board. Anyone wishing to address the Board on agenda items or Oral Communications may speak for a maximum of 5 minutes per agenda item when the subject is before the Board. The Board may limit the speakers' time to 3 minutes when five or more speaker's slips are submitted.

1. CONVENE: 7:00 p.m.
2. FLAG SALUTE:
3. ROLL CALL: President Cunningham, Vice-President Cook, Kohlstrand, Lynch, Mariani, McNamara and Piziali.
4. AGENDA CHANGES AND DISCUSSION:
5. ORAL COMMUNICATION:
 - * Anyone may address the Board on a topic not on the agenda under this item by submitting a speaker's information slip, subject to the 5 minute time limit.
6. REGULAR AGENDA ITEMS:
 - 6-A **UP05-0018 - Kyle Conner/Alameda Entertainment Associates, L.P. - 2305, 2317 Central Avenue (JO).** The applicant requests Use Permit approval for the following: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 a.m. for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and

screenings. The site is located within the Park Street C-C T, Community Commercial Theatre Combining District.

7. WRITTEN COMMUNICATION:

8. STAFF COMMUNICATION:

9. ADJOURNMENT:

PLEASE NOTE: Appeals of Planning Board decisions are considered by the City Council. Appeals must be filed in the Planning & Building Department in writing stating the basis of appeal with the appeal fee within 10 days of the date of action.

- * Sign language interpreters will be available upon request. Please contact Latisha Jackson, Planning & Building Department, at 510.747.6850 or 510.522.7538 (TDD number) at least 72 hours prior to the meeting to request an interpreter.
- * Accessible seating for persons with disabilities (including those using wheelchairs) is available.
- * Minutes of the meeting are available in enlarged print.
- * Audiotapes of the meeting are available upon request.
- * Please contact Latisha Jackson, Executive Assistant, at 510.747.6850 or 510.522.7538 (TDD number) at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.

**CITY OF ALAMEDA
PLANNING AND BUILDING DEPARTMENT**

STAFF REPORT

ITEM NO.: **6-A**

APPLICATION: **UP05-0018 – Kyle Conner/Alameda Entertainment Associates, L.P. – 2305, 2317 Central Avenue.** The applicant requests Use Permit approval for the following: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 a.m. for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings. The site is located within the Park Street C-C T, Community Commercial Theatre Combining District.

GENERAL PLAN: Community Commercial

ENVIRONMENTAL DETERMINATION: An Initial Study/Environmental Assessment was prepared for the project, and a Mitigated Negative Declaration finding no significant impact with adoption of mitigation measures was adopted in May 2003. No significant changes are proposed that will require revisions to the Mitigated Negative Declaration in accordance with CEQA Guidelines Section 15162.

STAFF PLANNER: Allen Tai, Planner III

RECOMMENDATION: Approve with conditions

ACRONYMS: AMC – Alameda Municipal Code
C-C T – Community Commercial Theatre Combining District.
CEQA –California Environmental Quality Act
CIC – Community Improvement Commission
DDA – Development and Disposition Agreement
HUD - US Department of Housing and Urban Development
NEPA – National Environmental Policy Act

ATTACHMENTS:

1. Draft Resolution
2. Project Plans
3. Shading Analysis completed by Environmental Vision

I. PROPOSAL SUMMARY

Final Design Review approval of the new Cineplex structure and Final Design Review and Use Permit approval of the Civic Center Parking Garage were granted by the Planning Board on June 27, 2005 and upheld by the City Council on August 16, 2005. The present application is a request for Use Permit approval that will complete the necessary Planning approval process for the multi-screen component of the project. Use Permit approvals are presently required for the following:

- a) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22;
- b) fifty eight (58') foot building height for the new Cineplex structure pursuant to AMC Subsection 30-4.9A.g.2;
- c) extended hours of operation until 3:00 a.m. for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings

The exterior design features of the new Cineplex structure and Civic Center Parking Garage were conditionally approved by the City on August 16, 2005 and are not part of the Use Permit discussion with the exception of building height.

A proposal to provide a game room for eight game machines was withdrawn from the project at the request of the applicant. The decision to withdraw this component of the Use Permit by the applicant occurred after public notices were distributed.

II. BACKGROUND

A. Existing Site Conditions

The Video Maniacs building was recently demolished in preparation for future development on the site.

B. Surrounding Land Use

North – Long's Drugs parking lot, Santa Clara Avenue (C-C T District)

West - Oak Street, Twin Towers United Methodist Church (R-6 District)

South – Central Avenue, retail businesses and offices (C-C T District)

East – retail businesses and offices (C-C T District)

The project vicinity is best described as a part of the Downtown Business District, Park Street Historic District, and Civic Center area adjacent to tall prominent structures. The parcels to the west of the theater are also much larger than those to the east, and the buildings in the vicinity are of a correspondingly larger scale. The existing Alameda Theater, Twin Towers Church,

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Alameda High School, Carnegie Library and City Hall are examples of these tall buildings that provide the context for the project site.

III. ENVIRONMENTAL REVIEW

Implementation of the project requires local (City and CIC), state (State Office of Historic Preservation) and federal (HUD) approval actions, and therefore invokes the environmental documentation requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The City of Alameda met the CEQA and NEPA environmental documentation requirements associated with the local, state and federal approval actions necessary to implement the project through the preparation of a joint environmental document in the form of a CEQA-authorized Mitigated Negative Declaration (MND) supported by an Initial Study, and a NEPA-authorized Mitigated Finding of No Significant Effect (Mitigated FONSI) supported by an Environmental Assessment.

On November 8, 2004, a public meeting was held to take comments on the proposed scope of environmental review (Mitigated Negative Declaration/ Environmental Assessment) in accordance with HUD Environmental Regulations, Part 58. The draft Initial Study/Environmental Assessment determined that there would be no unavoidable significant impacts and proposed a limited number of standard mitigations to avoid potentially significant aesthetic, air quality, cultural/historical, environmental hazard, geological, noise and transportation impacts identified in the Initial Study and Environmental Assessment.

On May 3, 2005, the City Council adopted the Mitigated Negative Declaration and Finding of No Significant Impact. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162. This Use Permit requested is subsequent to the project being fully analyzed and contemplated under the previous Design Review approval for the project, and the following findings can be made that no subsequent or supplemental environmental review is required, pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15162, because:

- i. There have been no substantial changes in the project that require major revisions of the previous Initial Study/Environmental Assessment due to the involvement of new significant environmental impacts or a substantial increase of the severity of previously identified significant effects;
- ii. There have been no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Initial Study/Environmental Assessment due to the involvement of new significant environmental impacts or a substantial increase of the severity of previously identified significant effects; and
- iii. There is no new information showing that the project will have one or more significant effects not discussed in the previous Initial Study/Environmental Assessment, or that significant effects previously examined will be substantially more severe than shown in the previous Initial Study/Environmental Assessment.

IV. STAFF ANALYSIS

Use Permits: As a rule, Use Permits do not authorize uses that the Zoning Ordinance does not authorize. Moreover, Use Permits are not variances for land uses. Instead, Use Permits provide a public hearing process to allow the City to consider uses which may be essential or desirable to the community, but which are not allowed as a matter of right within a zoning district. The proposed multi-screen theatre use, extended height, and extended hours of operation, are three components of the Alameda Theater project that are identified under the C-C T zoning district and in the Municipal Code as uses that are permitted pursuant to the Planning Board's approval of a Use Permit.

A. Use Permit for Multi-screen Theatre Use

Discussion:

Multi-screen theaters for movies or live entertainment require Use Permit approval in the C-C T district pursuant to AMC Subsection 30-4.22. The proposed project involves use of the historic Alameda Theater as a 484-seat single-screen cinema and construction of a new 33,739-square-foot building to house up to four ground floor retail spaces and seven movie screens ranging in size from 78 seats to 185 seats for a total of 1,042 additional seats in the new Cineplex structure. Initially, the historic theater and Cineplex will operate functionally as one movie theater and will contain eight screens with a combined total of 1,526 seats. The existing Alameda Theater also has two smaller theaters in the balcony that could be restored as agreed to in the Disposition and Development Agreement. Ultimately, there could be ten screens and up to 1,750 seats for the entire theater operation.

Land Use Compatibility: The project is part of a broad redevelopment strategy for the City's Downtown/Park Street district. The project site is located in the Park Street Business District and supports the existing commercial and retail uses in the vicinity. The project is consistent with the Economic Development Strategic Plan and the Downtown Vision Plan. Theater uses are commonly located near existing retail establishments because they serve as a complementary use to other businesses in commercial districts. As a condition of approval, adequate queuing space adjacent to the theater would be required to alleviate congestion and queuing on sidewalks. Use of sidewalk areas for potential restaurant uses would be subject to Encroachment Permits reviewed by the Public Works and Planning and Building Departments.

Traffic: The traffic impacts associated with the project were evaluated as part of the City's environmental review process under both CEQA and NEPA. The adopted Initial Study/Environmental Assessment determined that potential impacts from the additional downtown vehicular traffic generated by the project may be reduced to a less-than-significant level. The only mitigation required at this time is a signal retiming at the Santa Clara Avenue and Oak Street intersection due to a decrease in the Level of Service during the PM peak Hour. This mitigation will be funded by the parking garage project.

Parking: AMC Subsection 30-4.22(d) states that a Use Permit may be approved only if the proposed parking is adequate to serve the use's parking demand as estimated by a study and complies with other applicable requirements for parking in AMC Section 30-7 *Off Street Parking and Loading Space Regulations*. In compliance with this requirement, the City completed the Downtown Alameda Theater, Cineplex, and Parking Structure Parking and Traffic Study (Parking and Traffic Study) in December of 2004 to evaluate parking capacity.

The Parking and Traffic Study (Table 9) estimated that the parking demand for the Alameda Theater project would be 346 spaces on a typical weekday and 470 spaces on a typical Saturday. The new 350-space Civic Center Parking Garage and existing public parking facilities in the Downtown area will be able to accommodate the parking demand associated with the Alameda Theater project.

Noise: Noise impacts evaluated under the adopted Initial Study/Environment Assessment for the Project stated that noise generated by the Project would be generally compatible with the guidelines of the General Plan Health and Safety Element. Furthermore, compliance with the already adopted mitigation measure requiring further acoustical analysis prior to issuance of building permits will ensure potential noise impacts would be less-than-significant.

General Plan Conformance: The proposed Alameda Theater project is intended to act as a catalyst to encourage additional private investment and facilitate increased downtown patronage, job creation and reoccupation of existing vacant office and retail space in the commercial area surrounding the project site.

The Alameda Theater project is the culmination of significant community feedback and participation. The effort to realize this project is supported by clear direction received by the City from the community during multiple and extensive public participation in preparation of the City's Economic Development Strategic Plan (2000) and the Downtown Vision Plan (2000). Both City policy documents in furthering General Plan policies have guided the City's efforts in creating an entertainment district in the Park Street Historic District and in restoring the historic Alameda Theatre to its original use as a movie theatre. Therefore, the proposed theater use relates favorably to the General Plan.

Findings for Theater Use: In order to approve the requested Use Permit, the Planning Board shall make all of the following findings and must determine that the proposed use favorably relates to the General Plan:

1. The location of the proposed project is compatible with other land uses in the general neighborhood area.

Multi-screen theater uses are complementary to other businesses in the Downtown area because a theater draws people to the area and allows them to cross-patronize other businesses. The project involves the restoration of an existing vacant Theater, which is crucial in developing a synergy with nearby retail uses to invigorate the Park Street commercial district. Furthermore, the proposed project would strengthen the existing civic and cultural center in the Downtown.

2. The proposed use will be served by adequate transportation and service facilities.

This finding can be made because the proposed adjacent parking garage will contain approximately 350 parking spaces with additional bicycle parking to meet the parking demand for the project. The project will be adequately served by existing transportation facilities, such as AC Transit bus service, and available parking.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.

Theater uses are complementary to other retail uses and would not adversely affect other property in the vicinity. The project will be conditioned to require submission of a queuing plan to ensure orderly assemblage and to maintain adequate pedestrian passage space on the sidewalk.

4. The proposed use relates favorably to the General Plan.

General Plan Policy 3.4.c for the Civic Center identifies the need for a list of desired civic center spaces, and suggests spaces including a new theater. Furthermore, Policy 6.4.b "encourages the use of an existing architecturally distinguished building as an arts center," alluding to the City's desire for a cultural space that the restored Alameda Theater and proposed Cineplex can provide.

Conclusion: All of the required findings for approval of the theater use can be made.

B. Extended Hours of Operation

Discussion:

The C-C T District allows businesses to operate between 7:00 a.m. and 10:00 p.m. by right and requires Use Permit approval for those businesses that operate past 10:00 p.m. and before 7:00 a.m. In order to facilitate potential blockbusters and special features have in the recent past been released at midnight by film distributors, (the latest Star Wars film was released at 12:01 a.m.) the applicant requests extended hours until 3:00 a.m. to accommodate operations associated with 12:00 a.m. or 12:15 a.m. screenings for occasional new releases. During these occasions, the ticket box office will usually be closed after midnight, and the theater will be in operation for concessions and staff clean up until 3:00 a.m. The applicant has indicated that the late night screenings would be on special occasions and the theater would most often be closed by midnight.

The applicant has also indicated that most theaters in the East Bay operate until midnight on weeknights, and many theaters have midnight screenings on weekends. Furthermore, because new movies have varying release dates and times, therefore the option for the theater operator to schedule screenings at will during an initial release is important for theater business. The

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applicant also noted that a number of theaters in the Bay Area have schedules that are flexible in order to accommodate high interest blockbuster releases such as Star Wars, Harry Potter, Lord of the Rings, and other movies that have been released on weeknights.

Staff recommends a condition of approval that will restrict the extended hours of operation for special screenings to 45 days of the year. During these days, the theater is allowed extended hours of up to 3:00 a.m. to accommodate screening of new releases no later than 12:15 a.m., and the theater's ticket office must be closed by 12:30 a.m. On all remaining days, the theater may show its latest screening at 11:00 p.m. and its box office shall be closed by the same time.

Table 1: Hours of Operation for Theater as Conditioned.		
	Latest Screening	Ticket Office Closed
45 Days of the Year	12:15 a.m.	12:30 a.m.
Remaining Days	11:00 p.m.	11:00 p.m.

Under the Disposition and Development Agreement, the City may hold public events in the historic Alameda Theater space during twelve days of the year. These public events may include fundraisers or other public assembly and civic functions coordinated by the City. The operating hours for the public days will be from 7:00 a.m. to 12:00 a.m., depending on the event. Later hours would require the granting of a Use Permit by the City.

Retail Uses: The Use Permit for extended hours of operation does not include the associated retail uses on the ground floor of the theater. Separate Use Permits would be required for any of those individual businesses wishing to operate between the hours of 10:00 p.m. and 7:00 a.m.

Findings for Extended Hours of Operation: In order to approve the requested Use Permit, the Planning Board shall make all of the following findings and must determine that the proposed use favorably relates to the General Plan:

1. The location of the proposed project is compatible with other land uses in the general neighborhood area.

Multi-screen theater uses are complementary to other retail businesses because they draw people to the area and allow them to cross-patronize other businesses. The theater use also offers variety to existing patrons and provides entertainment options that may extend their stay from dining and shopping. The proposed extension of hours on special occasions for the theater operation would offer a significant evening entertainment draw to Downtown and could support existing and potentially new complementary uses such as restaurants, cafes and other nighttime entertainment venues within the Park Street Business District.

2. The proposed use will be served by adequate transportation and service facilities.

This finding can be made because the parking garage will contain approximately 350 parking spaces with additional bicycle parking and to meet the parking demand for the project. Twenty four-hour AC Transit bus service is available on route 51, and routes 50

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and 63 provide bus service until 1:00 a.m. Therefore, adequate transportation and service facilities are available to serve users of the theater during the occasional extended hours.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.

Theater uses are complementary to other retail uses and would not adversely affect other property in the vicinity.

4. The proposed use relates favorably to the General Plan.

The extended hours of operation is consistent with the Downtown Vision Plan, which calls for cultural and entertainment venues providing both day and evening activity along Park Street. The Downtown Vision Plan was adopted by the City in 2000 to implement General Plan guidelines for retail businesses and services. Therefore, the proposed extended hours of operation relates favorably to the General Plan.

Conclusion: All of the required findings for approval of the extended hours of operation can be made.

C. Use Permit for Cineplex Building Height

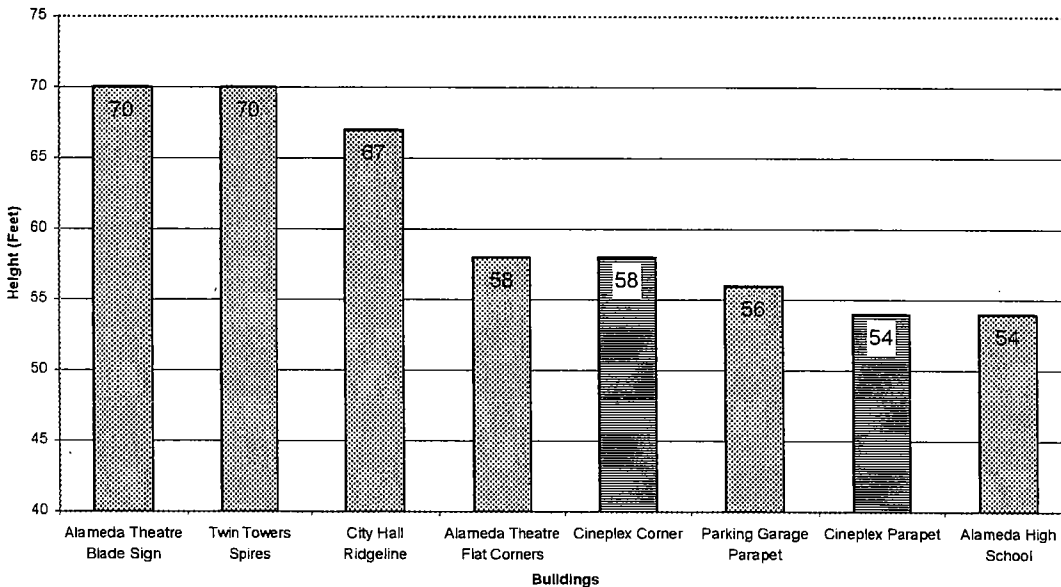
AMC Subsection 30-4.9A.g.2 allows buildings in the C-C T District to be constructed at heights between 40 feet to 60 feet provided Use Permit approval is granted. The proposed Cineplex building has a maximum height of 58 feet measured to the top of the rounded architectural element at the southwest corner of the building; the rest of the building will have a height of 54 feet.

Discussion:

While the proposed building height requires Use Permit approval, the proposed height of 58 feet is not the tallest structure in the Park Street vicinity. The existing Alameda Theater rises above the proposed Cineplex and is approximately 56 feet along the west elevation, rising to 62 feet at the roof ridge. The height of the Cineplex's parapet (54 feet) and the rounded corner (58 feet) are both well below the top of the towers of the Twin Towers Church, which reach a height that is close to 70 feet. The tallest point of the Cineplex (58 feet) is only four feet higher than the ridgeline of Alameda High School (54 feet) but significantly lower than the ridgeline of City Hall (67 feet).

The following bar chart compares the height of the proposed Cineplex with surrounding buildings in the Park Street District. The heights of the proposed Cineplex building are highlighted.

Height Comparison for Alameda Theatre Project



As the bar chart shows, the heights of the proposed Cineplex elements are lower than other civic buildings in the project area. The Alameda Theatre sign and the Twin Towers spires are the tallest in the vicinity. The Cineplex structure's rounded corner matches the height of the Alameda Theater's sidewall, but the majority of the Cineplex's height is 54 feet, equivalent to the height of the Alameda High School. The comparison demonstrates that the proposed building height is within the range of the heights of other buildings in the district. The proposed building height was also considered during Design Review for the project, which was given final approval by the City Council on August 16, 2005.

Shading Analysis: In response to concerns about potential adverse effects caused by the additional shading from the proposed Cineplex and Civic Center Parking Garage, the City hired an expert to conduct a study of the potential shading effects. The shading diagrams included in the attachment represents the farthest extent of the shadows cast by the approved Parking Garage and Cineplex.

The shading study indicates that the majority of shade is cast upon the existing Long's Drug parking lot during the late afternoon of the winter season when the sun is lower in the sky and shadows are generally longer when compared to other times of year. During the spring and summer seasons, the position of the sun is such that additional shade would not extend very far from the project site. The worse case scenario for shading falls during the spring and winter season where additional shadows would reach part of the Twin Tower Church on March 21 and December 21 in the morning. Shading would occur until 10 a.m. in March and until slightly after 11 a.m. in December. On June 21 only a portion of Oak Street and the westerly sidewalk would be shaded in the morning. In general, the shading analysis demonstrates no adverse shading impacts on the adjoining properties; none of the neighboring properties would be significantly shaded by the project. In response to previous concerns that the project would cast

Alameda Planning Board

Staff Report

Special Meeting of September 29, 2005

shade onto Santa Clara Avenue, the shading study demonstrates that the shadows would not project onto properties north of Santa Clara Avenue except shortly before sunset in the winter, when shadows are longest.

General Plan and Zoning Ordinance Conformance: The concern of whether the General Plan and Zoning regulations intended to restrict height of structures in the Park Street district was raised during previous public testimony. To this effect, staff made the following findings:

General Plan Policy 2.5.i suggests regulating height in the Park Street district and states that zoning regulations should be amended to address this issue. When the C-C District was established in 1998, this policy was evaluated and implemented through establishment of a 60 foot building height limit on Park Street and requiring Use Permits for buildings not fronting Park Street that exceed 40 feet in height up to a maximum of 60 feet. Exempt from the height restrictions were parking structures, which by right may be constructed to a height of six stories. AMC Subsection 30-5.8 *Height Exceptions* further allows towers, spires, penthouses and other architectural features to extend up to an additional 25 feet above the maximum building height for each zoning district. The above demonstrates that the City, in establishing such regulations in accordance with the General Plan, perceived building heights of up to 60' to be consistent with the small town character of Alameda, and provided a Use Permit process review for the purpose of evaluating special circumstances for anticipated uses that would require buildings of this height. The proposed Cineplex qualifies for this special consideration due to its importance as a catalyst for downtown revitalization and the theater's function as a complementary use in the Park Street district. The recent Design Review approval for the project also included consideration of the building's height.

Findings: In order to approve the requested Use Permit, the Planning Board shall make all of the following three findings and must determine that the proposed use favorably relates to the General Plan:

1. **The location of the proposed project is compatible with other land uses in the general neighborhood area.**

The proposed height of the Cineplex is compatible with other land uses in the vicinity because its height of 58 feet at the top of the rounded corner and 54 feet at the top of the parapet is within the range of other building heights in the surrounding area.

2. **The proposed use will be served by adequate transportation and service facilities.**

The proposed height does not affect transportation or service facilities.

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.**

The shading analysis of the project identified no significant adverse shading impact on neighboring properties.

4. The proposed use relates favorably to the General Plan.

General Plan Policy 3.4.a indicates that the area surrounding City Hall should be developed as an identifiable civic center, and the proposed Cineplex building, with a height similar to other buildings in the vicinity, relates favorably to this policy. The proposed Cineplex height is consistent with other building heights within the area.

Conclusion: All of the findings for Use Permit approval can be made for the extended building height.

V. RECOMMENDATION

Staff recommends that the Planning Board hold a public hearing, consider all pertinent testimony and information, then act to approve Use Permit no.: UP05-0018, based upon the findings contained in the attached Draft Resolution.

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CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. *DRAFT*

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT UP05-0018 FOR: A) MULTI-SCREEN THEATRE, LIVE THEATRE, AND PUBLIC ASSEMBLY USE IN THE C-C T DISTRICT PURSUANT TO AMC SUBSECTION 30-4.22; B) FIFTY EIGHT (58') FOOT BUILDING HEIGHT FOR THE CINEPLEX PURSUANT TO AMC SUBSECTION 30-4.9A.G.2; AND C) EXTENDED HOURS OF OPERATION UNTIL 3:00 A.M. FOR THE THEATRE PURSUANT TO AMC SUBSECTION 30-4.9A.C.1(A) FOR OCCASIONAL SPECIAL EVENTS AND SCREENINGS.

WHEREAS, an application was made by Alameda Entertainment Associates L.P. for the following: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 a.m. for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings ("Project") at 2305-2317 Central Avenue, the corner of Oak Street and Central Avenue, generally on the previous Video Maniacs site; and

WHEREAS, the subject property is located in the C-C T, Community Commercial Theatre Combining District; and

WHEREAS, a Mitigated Negative Declaration was prepared and adopted on May 3, 2005 for the Alameda Theater, Cineplex and Parking Structure Project by the City Council. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162; and

WHEREAS, the application was deemed complete on September 6, 2005 pursuant to Government Code 65943 (Permit Streamlining Act).

WHEREAS, Final Design Review of the proposed Cineplex was approved by the Planning Board on June 27, 2005; and

WHEREAS, on August 16, 2005 the City Council upheld the Planning Board's approval upon an appeal; and

WHEREAS, the Planning Board has held a public hearing on this application during a Special Meeting on September 29, 2005 and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Board has made the following findings relative to the Use Permit for the multi-screen theatre, live theatre, and public assembly use:

1. **The location of the proposed project is compatible with other land uses in the general neighborhood area.**

Multi-screen theater uses are complementary to other businesses in the Downtown area because a theater draws people to the area and allows them to cross-patronize other businesses. The project involves the restoration of an existing vacant Theater, which is crucial in developing a synergy with nearby retail uses to invigorate the Park Street commercial district. Furthermore, the proposed project would strengthen the existing civic and cultural center in the Downtown.

2. The proposed use will be served by adequate transportation and service facilities.

This finding can be made because the proposed adjacent parking garage will contain approximately 350 parking spaces with additional bicycle parking to meet the parking demand for the project. The project will be adequately served by existing transportation facilities, such as AC Transit bus service, and available parking.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.

Theater uses are complementary to other retail uses and would not adversely affect other property in the vicinity. The project will be conditioned to require submission of a queuing plan to ensure orderly assemblage and to maintain adequate pedestrian passage space on the sidewalk.

4. The proposed use relates favorably to the General Plan.

General Plan Policy 3.4.c for the Civic Center identifies the need for a list of desired civic center spaces, and suggests spaces including a new theater. Furthermore, Policy 6.4.b “encourages the use of an existing architecturally distinguished building as an arts center,” alluding to the City’s desire for a cultural space that the restored Alameda Theater and proposed Cineplex can provide.

WHEREAS, the Board has made the following findings relative to the Use Permit for the extended hours of operation for the proposed theater use:

1. The location of the proposed project is compatible with other land uses in the general neighborhood area.

Multi-screen theater uses are complementary to other retail businesses because they draw people to the area and allow them to cross-patronize other businesses. The theater use also offers variety to existing patrons and provides entertainment options that may extend their stay from dining and shopping. The proposed extension of hours on special occasions for the theater operation would offer a significant evening entertainment draw to Downtown and could support existing and potentially new complementary uses such as restaurants, cafes and other nighttime entertainment venues within the Park Street Business District.

2. The proposed use will be served by adequate transportation and service facilities.

This finding can be made because the parking garage will contain approximately 350 parking spaces with additional bicycle parking and to meet the parking demand for the project. Twenty

four-hour AC Transit bus service is available on route 51, and routes 50 and 63 provide bus service until 1:00 a.m. Therefore, adequate transportation and service facilities are available to serve users of the theater during the occasional extended hours.

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.**

Theater uses are complementary to other retail uses and would not adversely affect other property in the vicinity.

4. **The proposed use relates favorably to the General Plan.**

The extended hours of operation are consistent with the Downtown Vision Plan, which calls for cultural and entertainment venues providing both day and evening activity along and around Park Street. The Downtown Vision Plan was adopted by the City in 2000 to implement General Plan guidelines for retail businesses and services. Therefore, the proposed extended hours of operation relates favorably to the General Plan.

WHEREAS, the Board has made the following findings relative to the Use Permit for the extended building height of up to 58 feet for the new Cineplex building:

1. **The location of the proposed project is compatible with other land uses in the general neighborhood area.**

The proposed height of the Cineplex is compatible with other land uses in the vicinity because its height of 58 feet at the top of the rounded corner and 54 feet at the top of the parapet is within the range of other building heights in the surrounding area.

2. **The proposed use will be served by adequate transportation and service facilities.**

The proposed height does not affect transportation or service facilities.

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.**

The shading analysis of the project identified no significant adverse shading impact on neighboring properties.

4. **The proposed use relates favorably to the General Plan.**

General Plan Policy 3.4.a indicates that the area surrounding City Hall should be developed as an identifiable civic center, and the proposed Cineplex building, with a height similar to other buildings in the vicinity, relates favorably to this policy. The proposed Cineplex height is consistent with other building heights within the area.

WHEREAS, on May 3, 2005, the City Council adopted an Initial Study ("IS") and Environmental Assessment ("EA") for the Alameda Theater, Cineplex and Parking Structure

project (State Clearinghouse No. #2004-122-042), and adopted a Mitigated Negative Declaration ("MND"), adopted and incorporated into the project all of the mitigation measures within the responsibility and jurisdiction of the City, and adopted a Mitigation Monitoring Program.

WHEREAS, the Use Permits is a subsequent approval required to implement the Alameda Theater and Cineplex project and was fully analyzed in and contemplated by the analysis in the Initial Study/Environmental Assessment.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Alameda, having independently reviewed the adopted Initial Study/Environmental Assessment, hereby finds that no subsequent or supplemental environmental review is required, pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15162, because:

- i. There have been no substantial changes in the project that require major revisions of the previous Initial Study/Environmental Assessment due to the involvement of new significant environmental impacts or a substantial increase of the severity of previously identified significant effects;
- ii. There have been no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Initial Study/Environmental Assessment due to the involvement of new significant environmental impacts or a substantial increase of the severity of previously identified significant effects; and
- iii. There is no new information showing that the project will have one or more significant effects not discussed in the previous Initial Study/Environmental Assessment, or that significant effects previously examined will be substantially more severe than shown in the previous Initial Study/Environmental Assessment.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby approves UP05-0018 for: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district; b) fifty eight (58') foot building height for the Cineplex; and c) extended hours of operation until 3:00 a.m. for the theatre for occasional special events and screenings, subject to the following conditions:

1. QUEUING. Prior to issuance of building permits, the applicant shall submit to the Planning and Building Department a plan/diagram that clearly identifies the configuration of queuing lines associated with the ticket office as well as lines for ticket holders waiting to enter the theater. The queuing plan shall be reviewed by the Public Works Director, Planning and Building Director, and Chief of Police.
2. HOURS OF OPERATION. Ticket sales shall be limited to the hours between 7:00 a.m. to 11:00 p.m. seven days a week. The latest movie screening shall be no later than 11:00 p.m. and the ticket sales shall end at the same time. Hours for all other events such as live performances, public assemblies and similar functions shall be limited to 12:00 a.m.
3. BLOCKBUSTER RELEASES AND SPECIAL VENUES. Notwithstanding the hours

specified under Condition #2, the hours of operation for the theater may be extended to 3:00 a.m. for up to 45 days per year, subject to the following:

- a. The extended hours shall be limited to initial releases of new first-run movies.
- b. The latest movie screening shall be no later than 12:15 a.m., and ticket sales shall end no later than 12:30 a.m.
- c. Upon request, the theater operator shall provide to the City a schedule identifying when movie screenings occurred and the frequency of movie screenings occurring after 11:00 p.m. during the year.

The 45 days shall not include the 12 days designated for City use of the theater as specified in the Disposition and Development Agreement.

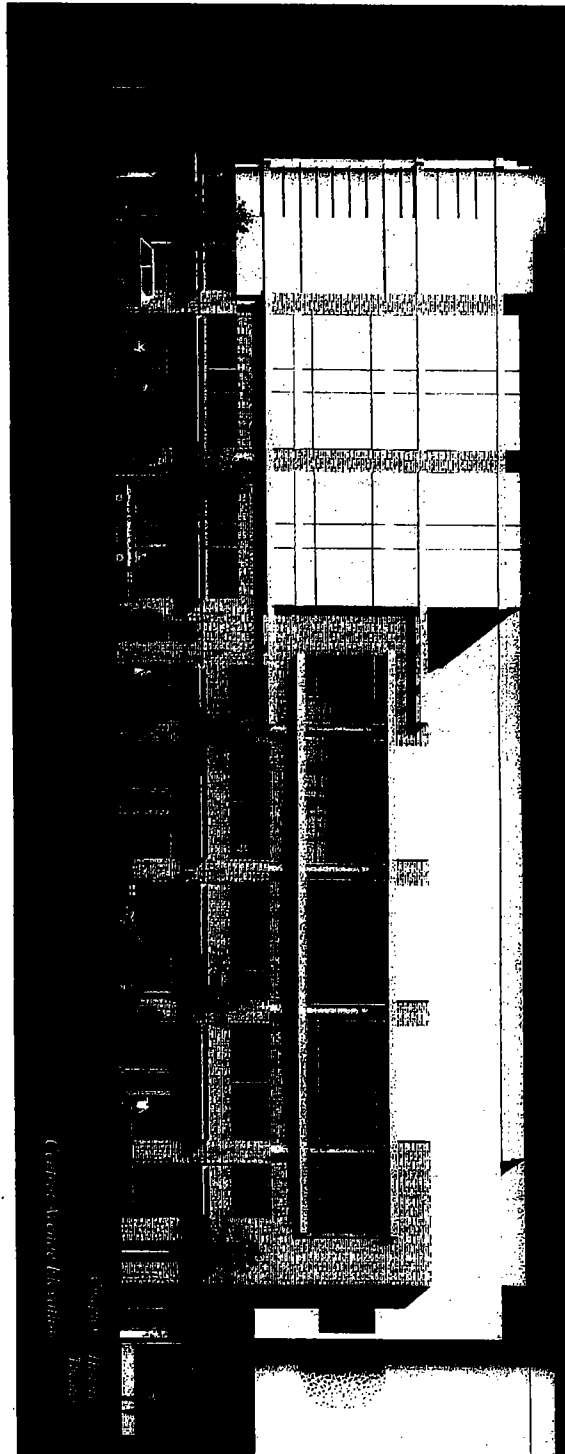
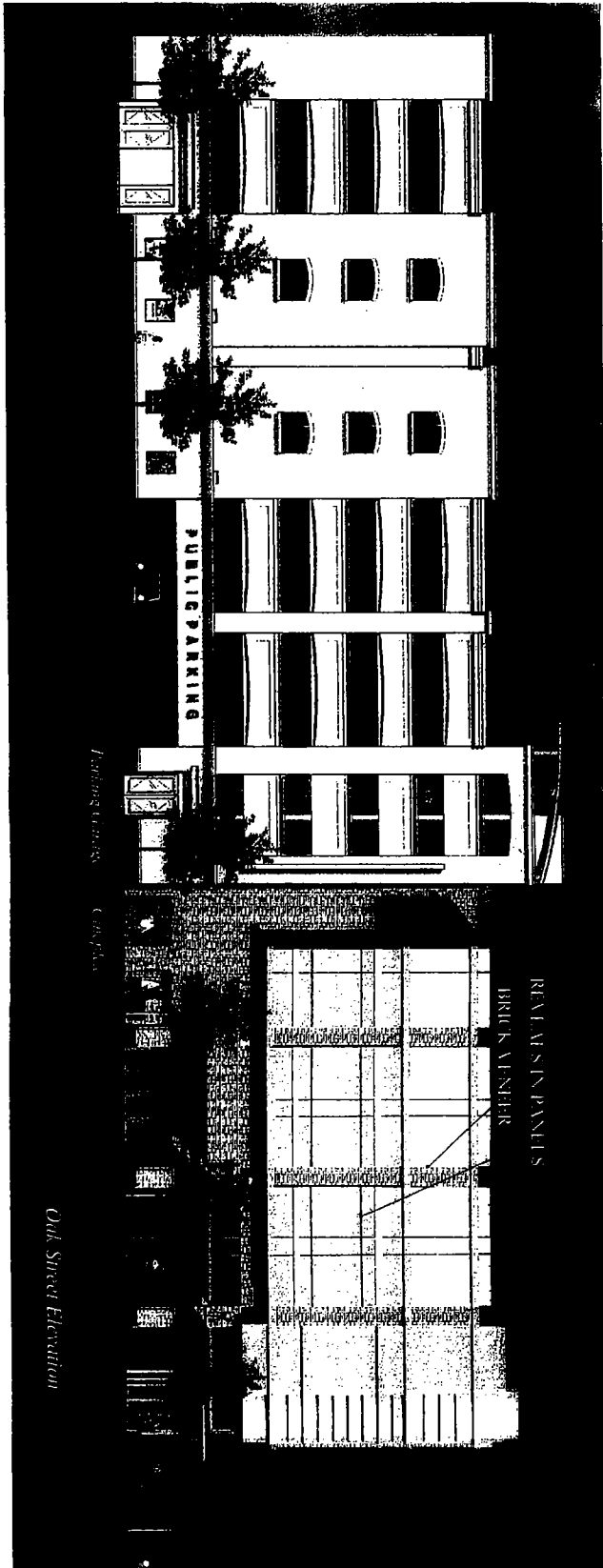
4. TIME AND MATERIALS. All Time and Materials charges shall be paid in full prior to issuance of building permits.
5. VESTING. The Use Permit approval shall terminate two (2) years from the effective date of its approval pursuant to AMC Subsection 30-21.9, unless actual construction or alteration under valid permits has commenced within that time or the applicant applies for and is granted an extension prior to the expiration.
6. REVOCATION. This Use Permit for the theater use and extended hours of operation may be modified or revoked by the Planning Board, pursuant to Alameda Municipal Code Section 30-21.3d should the Board determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.
7. HOLD HARMLESS. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property. The City of Alameda shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding, or the City fails to cooperate in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.
8. ACKNOWLEDGMENT OF CONDITIONS. The applicant shall acknowledge in writing all conditions of approval and accept this permit subject to conditions, with full awareness of applicable provisions of the Alameda Municipal Code for this approval to be exercised.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

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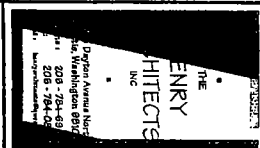
NEW ALAMEDA MULTI PLEX CINEMA

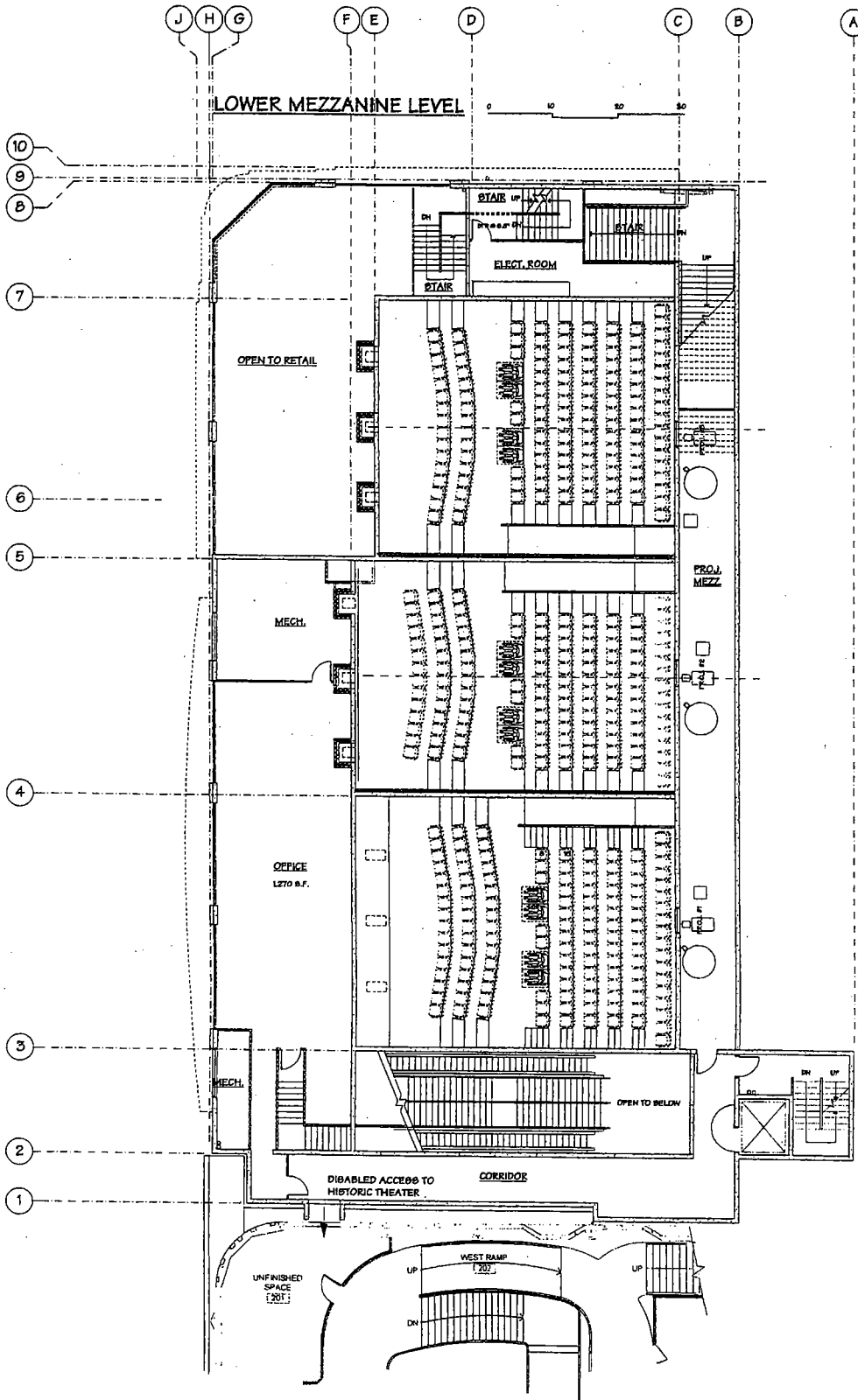
CENTRAL AVENUE AND OAK STREET
CITY OF ALAMEDA, CALIFORNIA

**COLORLED
ELEVATIONS**

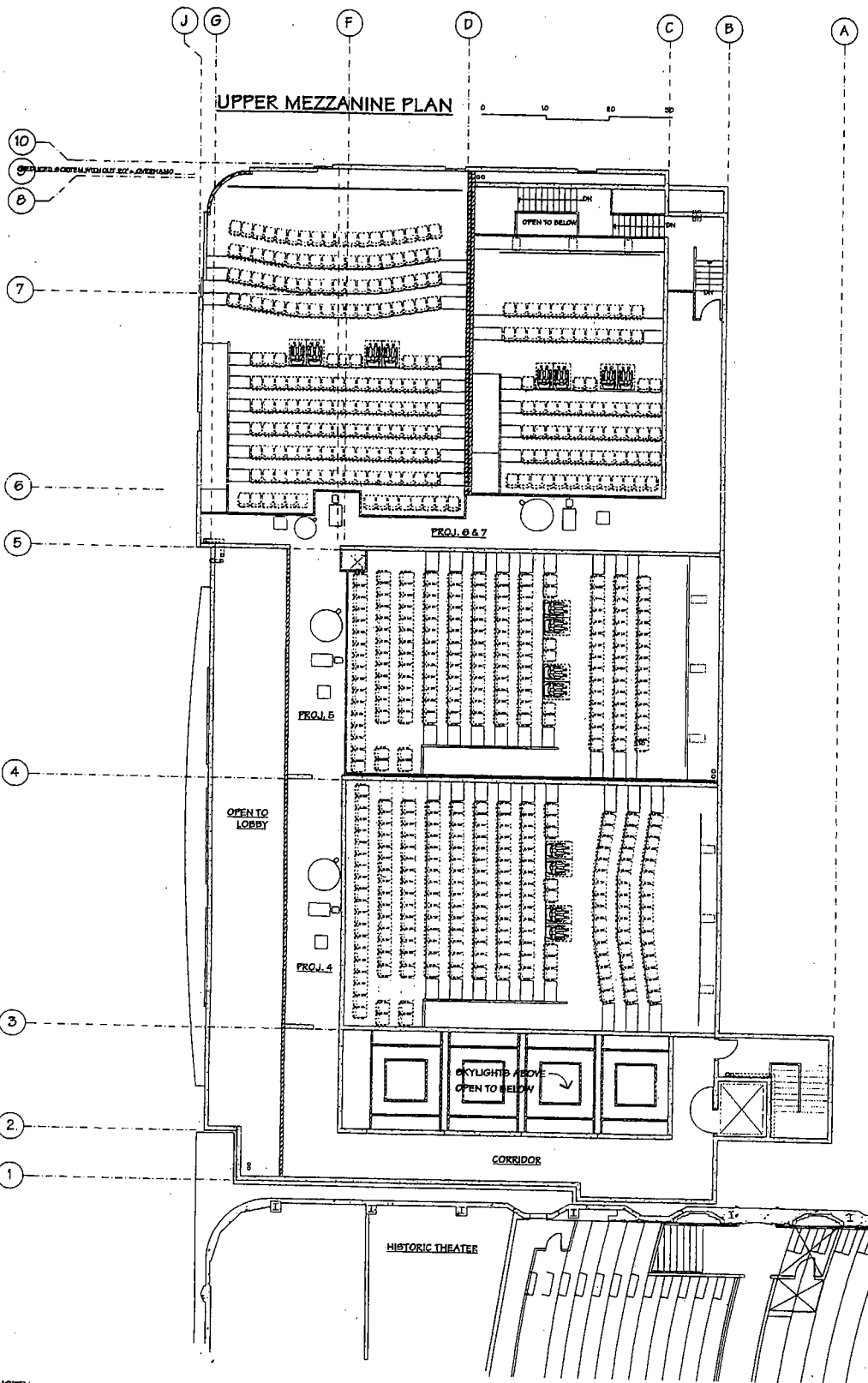
Sheet No.
A-5

Project No.:
704-14
Owner:
RRH
Architect:
RRH
Design Date:
07.20.2005

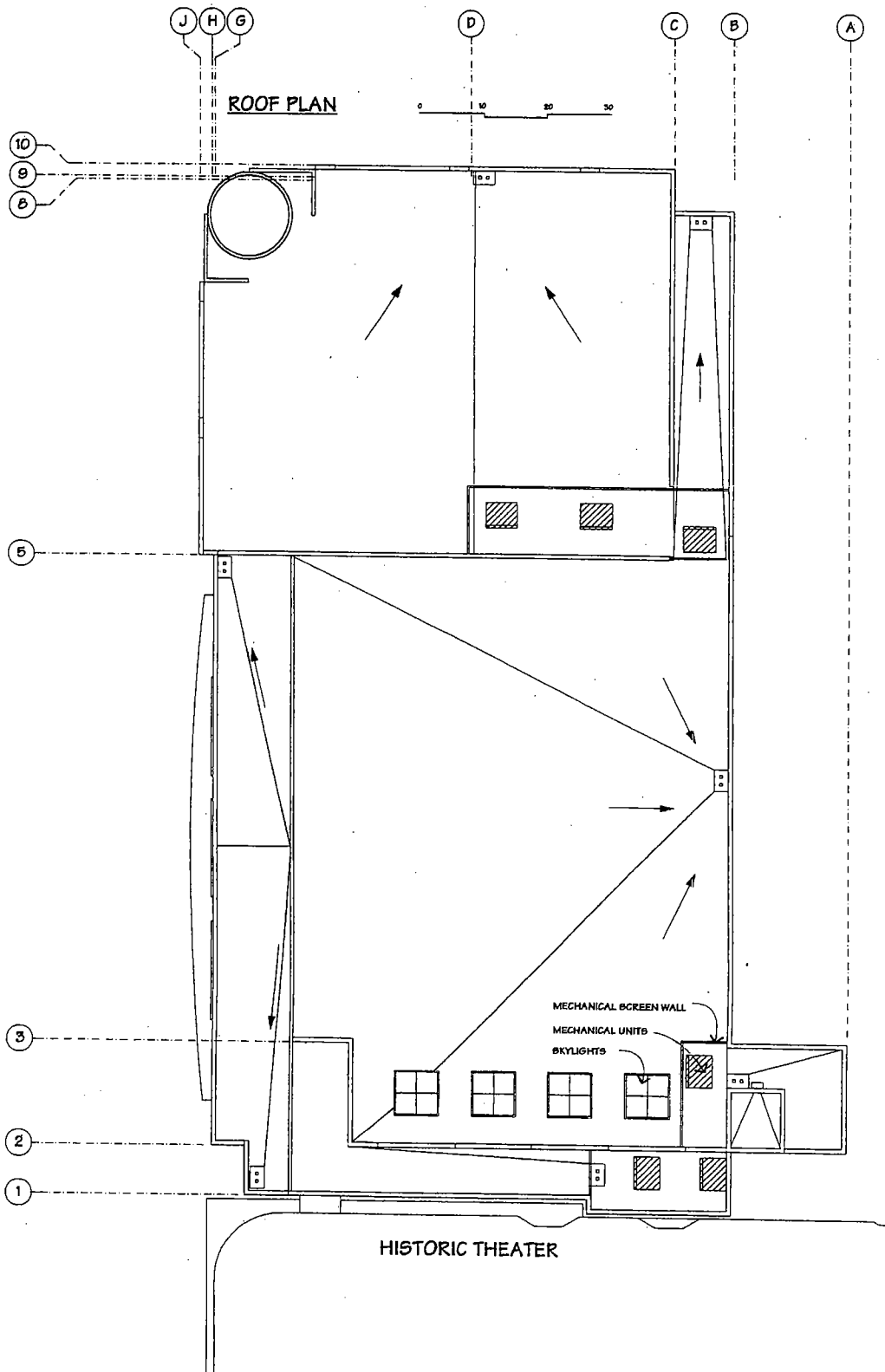




Sheet No. A-7	LOWER MEZZ. PLAN	<p align="center"> NEW ALAMEDA MULTI PLEX CINEMA CENTRAL AVENUE AND OAK STREET CITY OF ALAMEDA, CALIFORNIA </p>	Project No. 704-14 Drawn By RRH Checked By RRH Design Date 07/20/2005	
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<p>Sheet No. A-9</p>	<p>UPPER MEZZ PLAN</p>	<p>NEW ALAMEDA MULTI PLEX CINEMA CENTRAL AVENUE AND OAK STREET CITY OF ALAMEDA, CALIFORNIA</p>	<p>Prepared By: 7/04/14 Drawn By: RRI Checked By: RRI Expiring Date: 07/20/2005</p>	<p>THE ENRY ARCHITECTS INC. 225 - 794-00 225 - 794-00 225 - 794-00</p>
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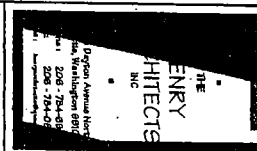
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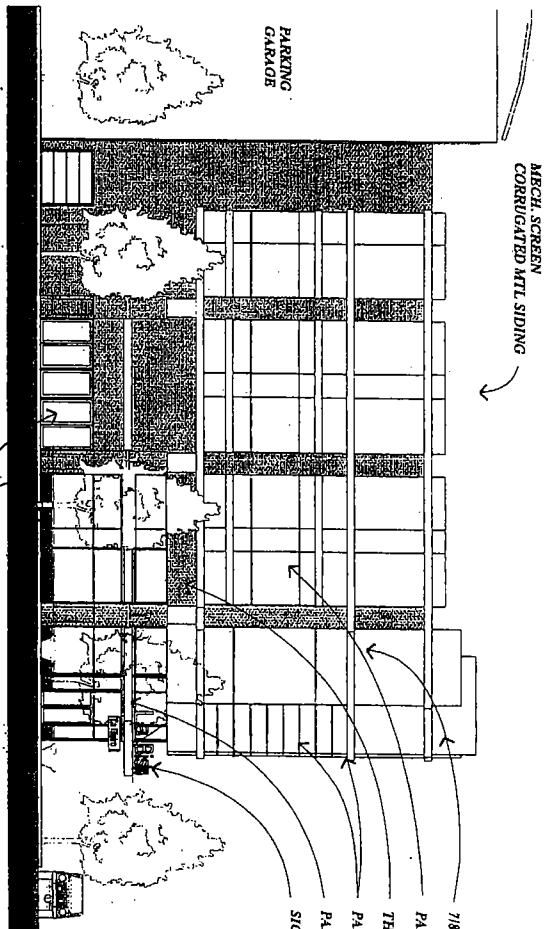
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PLAN

NEW ALAMEDA MULTI PLEX CINEMA

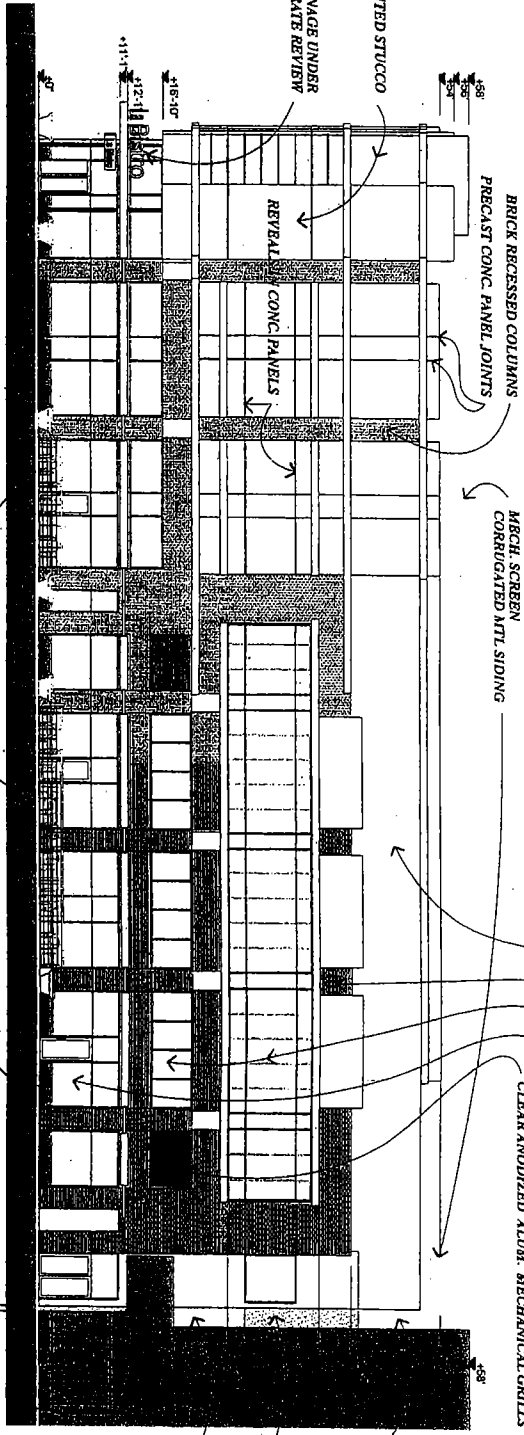
CENTRAL AVENUE AND OAK STREET
CITY OF ALAMEDA, CALIFORNIA

Project No.:
T04-14
Drawn By:
RRH
Checked By:
RRH
Date:
07.20.2005





Oak Street Elevation



Central Avenue Elevation



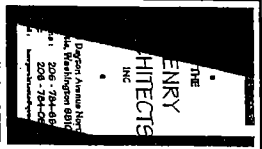
OPEN SPACE BETWEEN BUILDINGS
 CONNECTION TO HISTORIC THEATER BACK 56' FROM FACE OF HISTORIC THEATER
 CONNECTION TO HISTORIC THEATER BACK 415' FROM FACE OF HISTORIC THEATER

NEW ALAMEDA MULTI PLEX CINEMA
 CENTRAL AVENUE AND OAK STREET
 CITY OF ALAMEDA, CALIFORNIA

BLACK / WHITE ELEVATIONS

Sheet No.
A-11

Existed M.E.
 T04-14
 Design B.E.
 R.R.H.
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 Drawing Date:
 07.20.2005



Shadow Effects associated with the Alameda Theater Parking Garage
Prepared for the City of Alameda by Environmental Vision
September 2005

Introduction

The City of Alameda retained Environmental Vision to produce a shadow study of the Alameda Theater Parking Garage in response to concerns about potential effects on the existing environment.

Specifically, Environmental Vision was asked to prepare six diagrams to portray the extent of existing and project-generated shadow at three times of day for two seasons, winter and summer. The primary purpose of the study is to evaluate potential shadow effects along the north side of Santa Clara Avenue. In addition Environmental Vision has prepared supplemental diagrams to provide a more extensive evaluation of the project's potential shadow impacts including effects on the west side of Oak Street. This memo provides a brief summary of the shadow study methods and results.

Methods and Assumptions

The study area for potential shadow effects associated with the Alameda Theater Parking Garage includes the public streets and sidewalks along Santa Clara Avenue, Oak Street, Park Street and Central Avenue. Using a three-dimensional digital model and computer-assisted design (CAD) software Environmental Vision determined the shadow patterns cast on the ground surface by existing and proposed building massing. The shadow analysis is based on architectural design data provided by Michael Stanton Architecture, the project architects (June 2005) and on GIS and aerial photography data provided by the City of Alameda (2005). A schematic three-dimensional digital model of the proposed project was used to calculate the shadows for each time of day and date evaluated. It should be noted that the diagrams portray shadow cast by building massing only and do not reflect shadow patterns associated with existing vegetation/landscaping.

In order to identify the proposed project's potential shadow-related impacts, existing and project-generated shade patterns were compared for three seasons. The dates used for analysis purposes are the winter and summer solstices (December 21 and June 21), when the sun is at its lowest and highest point, respectively, and the spring equinox (March 21), when day and night are of approximately equal length. It may be assumed that shadow patterns portrayed for March 21 in spring are comparable for those in fall, only one hour later (i.e. shadow diagrams for 3 PM on March 21 would apply for September 21 at 4 PM). The times selected for analysis, 9 AM, noon and 3 PM, provide a representative range of daytime hours when outdoor public activity occurs. In order to show the "worst case" effects associated with shadow cast in wintertime, an additional diagram was produced to show shadow patterns at 4 PM on December 21 (sunset occurs at 4:54 PM on this date). A total of 10 plan view diagrams are presented.

Evaluation

The diagrams presented on Figures 1 through 5 portray shadows cast by existing and proposed building massing in the Alameda Theater Parking Garage project area. The existing shadow patterns are shown in a gray shade to portray the portions of the study area that are currently shaded by existing buildings and structures in the project area. The shadow shown in black portrays the new shade cast by the proposed Alameda Theater Parking Garage. The black areas shown on the diagrams can be said to represent the project's shadow effect on the existing environment.

Table 1 summarizes the project's generalized shadow effects on the north side of Santa Clara Avenue and the west side of Oak Street as well as the south side of Central Avenue. As indicated by Figures 1 through 3, the project would cast some new shadow on the sidewalk and the corner church building during morning hours in the spring and winter. Computer modeling results indicate that the church would not be shaded after 10 AM in March and that by shortly after 11 AM in December no shade would be cast on the church. The project would not cast shadow on the church during the morning in summer months, although some shadow would be cast on the adjacent public sidewalk at this time. Throughout the year the project would not cast shadow on the church or west side of Oak Street sidewalk after 12 noon.

Figures 4 and 5 portray the proposed project's shadow effect during afternoon hours. As indicated by Figure 5, the proposed parking garage would cast a small amount of new shadow on the sidewalk and building façade located along the north side of Santa Clara Avenue. To varying degrees the project would also shade portions of the Longs Drugstore parking lot that lies adjacent to the north.

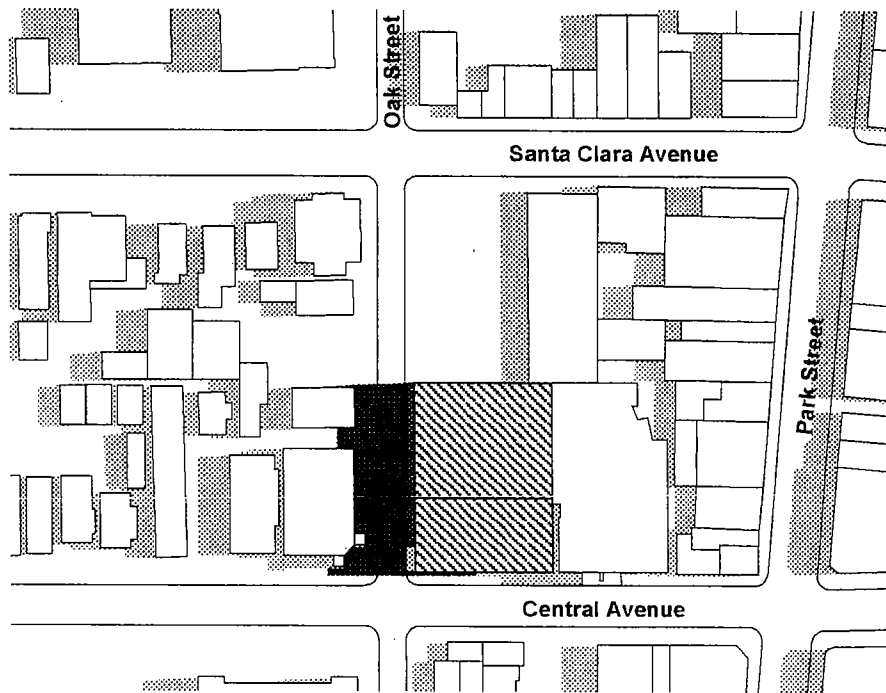
Taken together the project-generated shadow effects described above are incremental and relatively minor changes to existing sun/shade patterns currently found in the project vicinity. It is anticipated that these effects would not substantially affect or curtail public activity within the project area. The shadow effects associated with the project are therefore considered to be less than significant.

Table 1- Alameda Parking Garage Generalized Shadow Effects

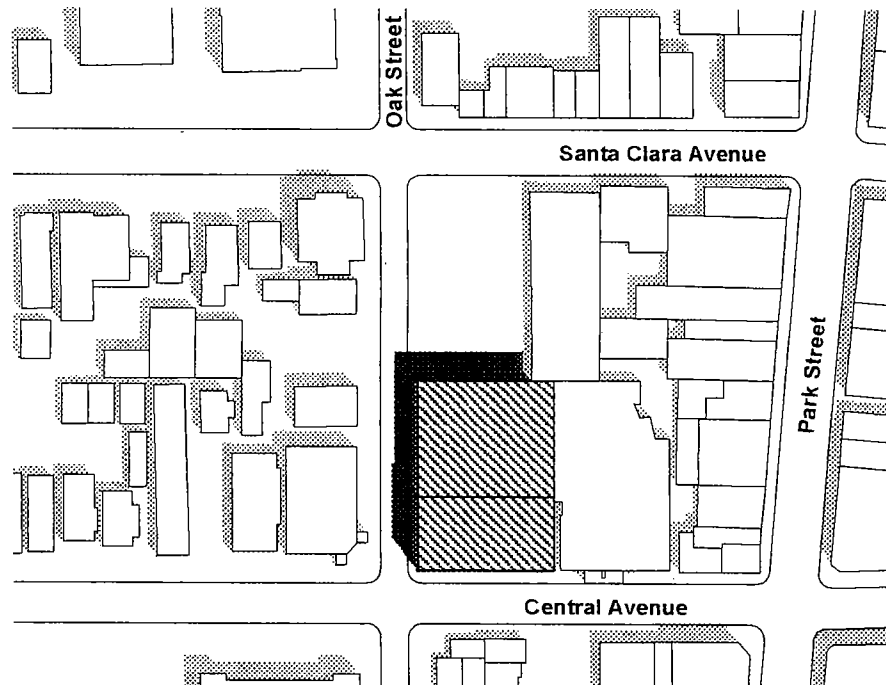
Potentially Affected Areas

	<u>Morning</u>	<u>Noon</u>	<u>Afternoon</u>
North side of Santa Clara Avenue 	No impact	No impact	No impact until after 3PM in winter. At 4PM in winter, small amount of new shadow mid-block on sidewalk and one building façade.*
West side of Oak Street	Some new shadow on sidewalk and church façade in spring, fall and winter. No effect on church in summer.	No impact	No impact
South side of Central Avenue	No impact	No impact	No impact

* Note: Sunset occurs at 4:54 PM on December 21



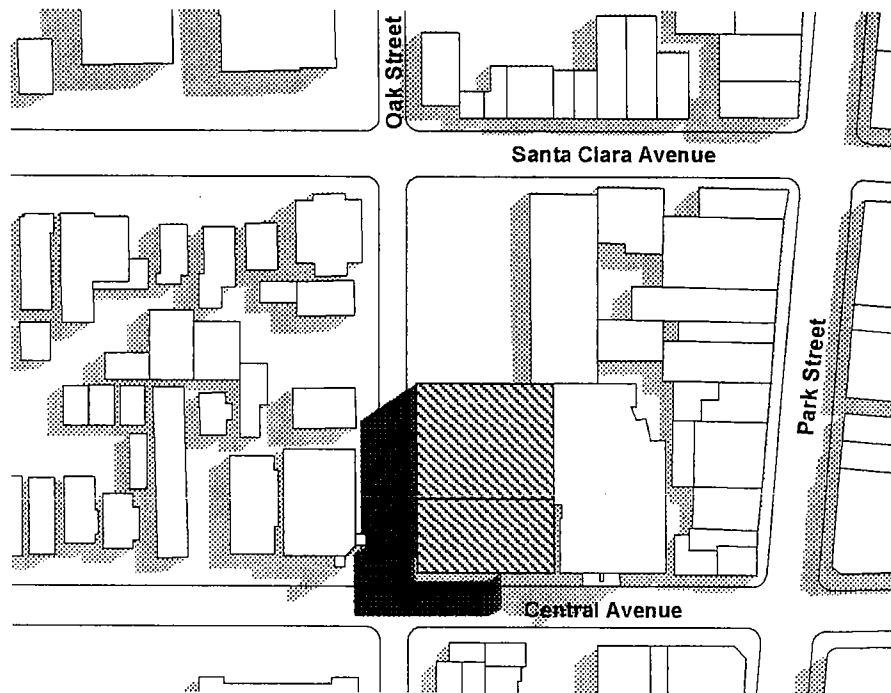
A - March 21, 9:00am PST



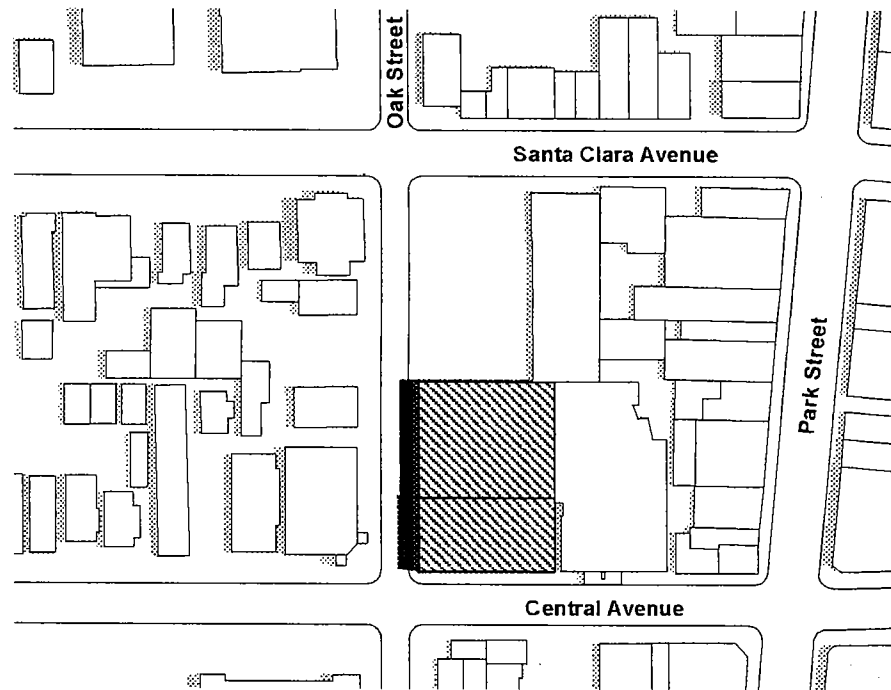
B - March 21, 12:00pm PST



Figure 1 - Project Shadow Patterns
Oak Street Cineplex and Parking Garage
Alameda, California



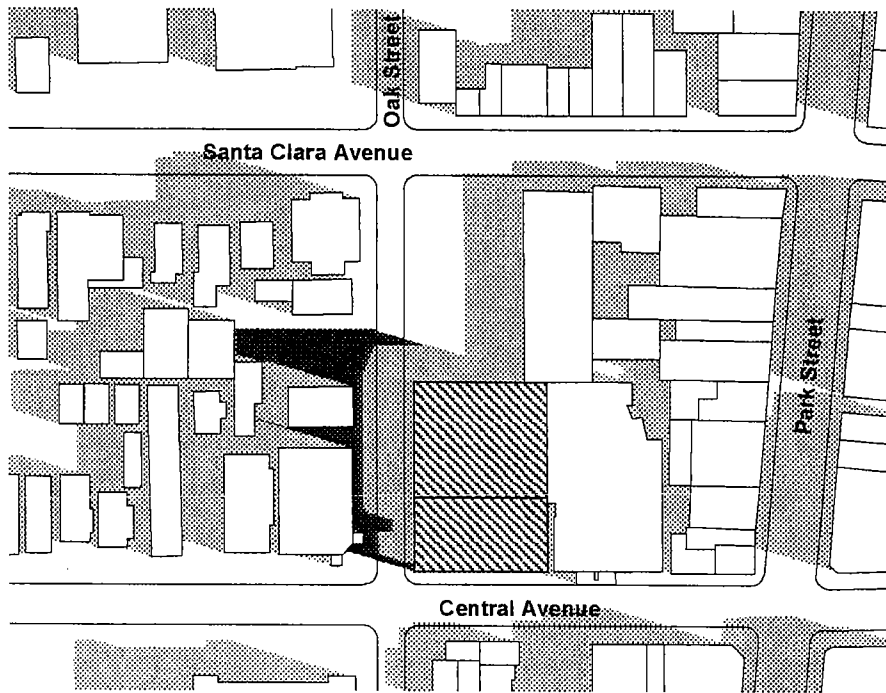
A - June 21, 9:00am PDT



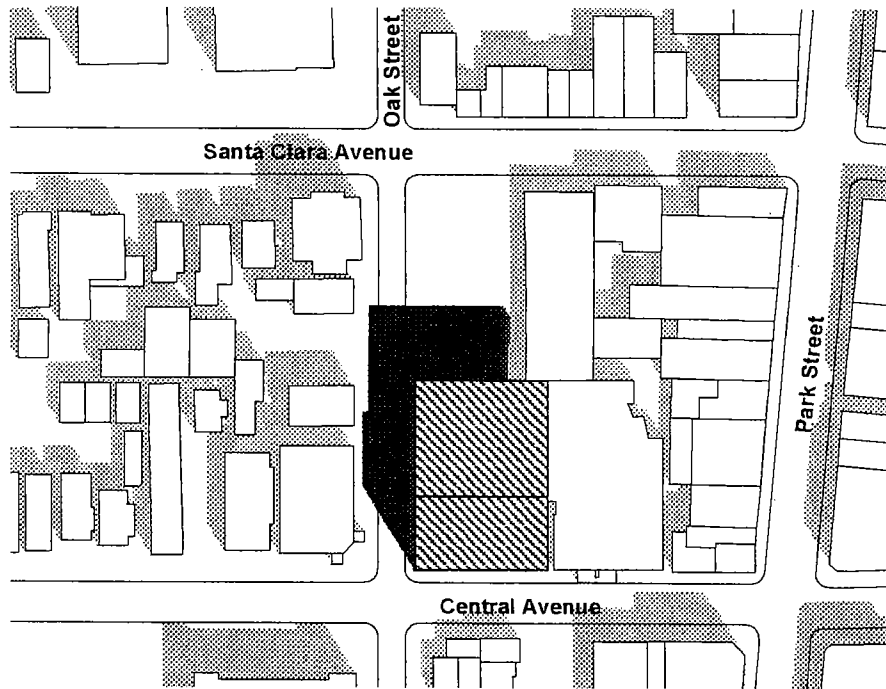
B - June 21, 12:00pm PDT



Figure 2 - Project Shadow Patterns
 Oak Street Cineplex and Parking Garage
 Alameda, California



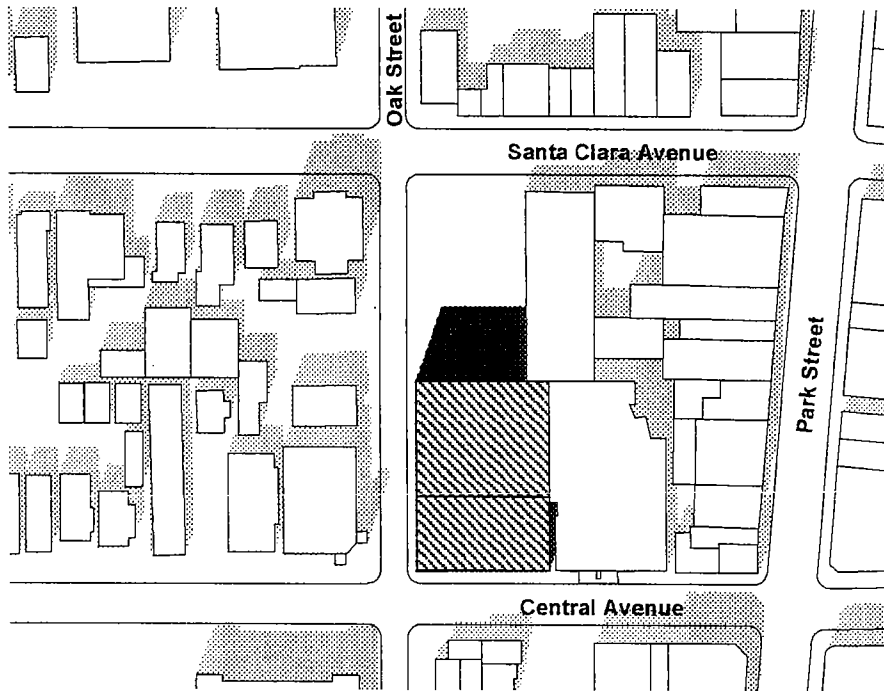
A - December 21, 9:00am PST



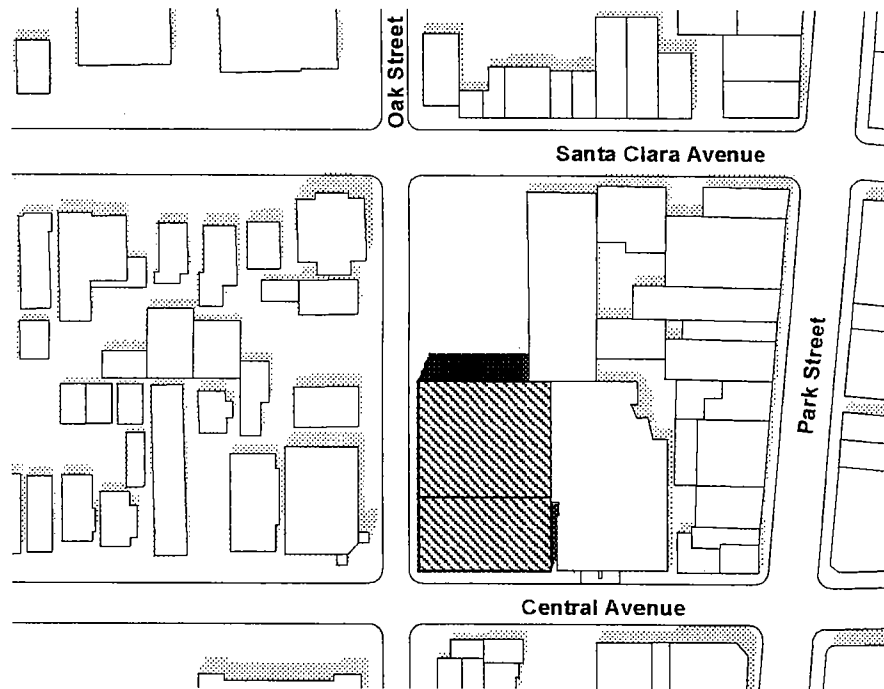
B - December 21, 12:00pm PST



Figure 3 - Project Shadow Patterns
Oak Street Cineplex and Parking Garage
Alameda, California



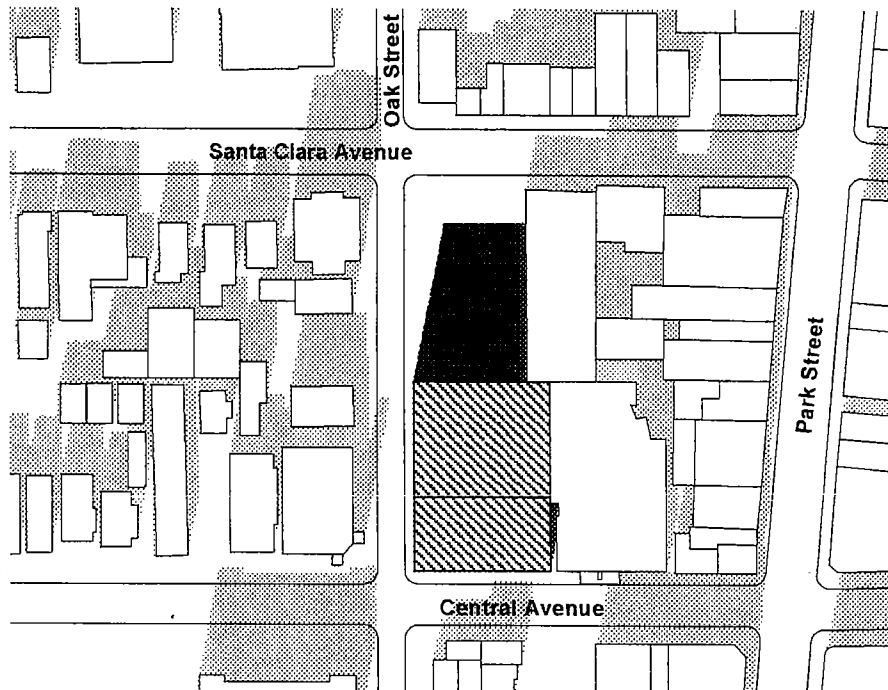
A - March 21, 3:00pm PST



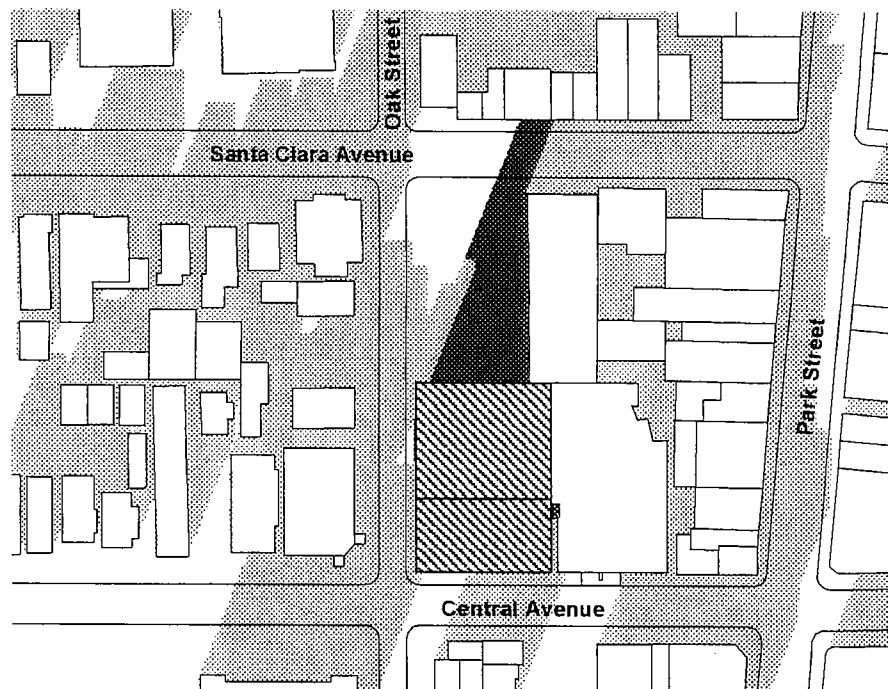
B - June 21, 3:00pm PDT



Figure 4 - Project Shadow Patterns
Oak Street Cineplex and Parking Garage
Alameda, California



A - December 21, 3:00pm PST



B - December 21, 4:00pm PST



Figure 5 - Project Shadow Patterns
Oak Street Cineplex and Parking Garage
Alameda, California

CITY OF ALAMEDA PLANNING BOARD
RESOLUTION NO. PB-05-41

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING USE PERMIT UP05-0018 FOR: A) MULTI-SCREEN THEATRE, LIVE THEATRE, AND PUBLIC ASSEMBLY USE IN THE C-C T DISTRICT PURSUANT TO AMC SUBSECTION 30-4.22; B) FIFTY EIGHT (58') FOOT BUILDING HEIGHT FOR THE CINEPLEX PURSUANT TO AMC SUBSECTION 30-4.9A.G.2; AND C) EXTENDED HOURS OF OPERATION UNTIL 3:00 A.M. FOR 24 DAYS PER YEAR FOR THE THEATRE PURSUANT TO AMC SUBSECTION 30-4.9A.C.1(A) FOR OCCASIONAL SPECIAL EVENTS AND SCREENINGS, AT 2305-2317 CENTRAL AVENUE.

WHEREAS, an application was made by Alameda Entertainment Associates L.P. ("Applicant") for the following: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 a.m. for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings ("Project") at 2305-2317 Central Avenue, the corner of Oak Street and Central Avenue, generally on the previous Video Maniacs site; and

WHEREAS, the subject property is located in the C-C T, Community Commercial Theatre Combining District; and

WHEREAS, a Mitigated Negative Declaration was prepared and adopted on May 3, 2005 for the Alameda Theater, Cineplex and Parking Structure Project by the City Council. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162; and

WHEREAS, the application was deemed complete on September 6, 2005 pursuant to Government Code 65943 (Permit Streamlining Act).

WHEREAS, Final Design Review of the proposed Cineplex was approved by the Planning Board on June 27, 2005; and

WHEREAS, on August 16, 2005 the City Council upheld the Planning Board's approval upon an appeal; and

WHEREAS, the Planning Board has held a public hearing on this application during a Special Meeting on September 29, 2005 and has examined pertinent maps, drawings, and documents; and

WHEREAS, the Board has made the following findings relative to the Use Permit for the multi-screen theatre, live theatre, and public assembly use:

Attachment #11

1. **The location of the proposed project is compatible with other land uses in the general neighborhood area.**

Multi-screen theater uses are complementary to other businesses in the Downtown area because a theater draws people to the area and allows them to cross-patronize other businesses. The project involves the restoration of an existing vacant Theater, which is crucial in developing a synergy with nearby retail uses to invigorate the Park Street commercial district. Furthermore, the proposed project would strengthen the existing civic and cultural center in the Downtown.

2. **The proposed use will be served by adequate transportation and service facilities.**

This finding can be made because the proposed adjacent parking garage will contain approximately 350 parking spaces with additional bicycle parking to meet the parking demand for the project. The project will be adequately served by existing transportation facilities, such as AC Transit bus service, and available parking.

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.**

Theater uses are complementary to other retail uses and would not adversely affect other property in the vicinity. The project will be conditioned to require submission of a queuing plan to ensure orderly assemblage and to maintain adequate pedestrian passage space on the sidewalk.

4. **The proposed use relates favorably to the General Plan.**

General Plan Policy 3.4.c for the Civic Center identifies the need for a list of desired civic center spaces, and suggests spaces including a new theater. Furthermore, Policy 6.4.b "encourages the use of an existing architecturally distinguished building as an arts center," alluding to the City's desire for a cultural space that the restored Alameda Theater and proposed Cineplex can provide.

WHEREAS, the Board has made the following findings relative to the Use Permit for the extended hours of operation for the proposed theater use:

1. **The location of the proposed project is compatible with other land uses in the general neighborhood area.**

Multi-screen theater uses are complementary to other retail businesses because they draw people to the area and allow them to cross-patronize other businesses. The theater use also offers variety to existing patrons and provides entertainment options that may extend their stay from dining and shopping. The proposed extension of hours on special occasions for the theater operation would offer a significant evening entertainment draw to Downtown and could support existing and potentially new complementary uses such as restaurants, cafes and other nighttime entertainment venues within the Park Street Business District.

2. **The proposed use will be served by adequate transportation and service facilities.**

This finding can be made because the parking garage will contain approximately 350 parking spaces with additional bicycle parking and to meet the parking demand for the project. Twenty four-hour AC Transit bus service is available on route 51, and routes 50 and 63 provide bus service until 1:00 a.m. Therefore, adequate transportation and service facilities are available to serve users of the theater during the occasional extended hours.

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.**

Theater uses are complementary to other retail uses and would not adversely affect other property in the vicinity.

4. **The proposed use relates favorably to the General Plan.**

The extended hours of operation are consistent with the Downtown Vision Plan, which calls for cultural and entertainment venues providing both day and evening activity along and around Park Street. The Downtown Vision Plan was adopted by the City in 2000 to implement General Plan guidelines for retail businesses and services. Therefore, the proposed extended hours of operation relates favorably to the General Plan.

WHEREAS, the Board has made the following findings relative to the Use Permit for the extended building height of up to 58 feet for the new Cineplex building:

1. **The location of the proposed project is compatible with other land uses in the general neighborhood area.**

The proposed height of the Cineplex is compatible with other land uses in the vicinity because its height of 58 feet at the top of the rounded corner and 54 feet at the top of the parapet is within the range of other building heights in the surrounding area.

2. **The proposed use will be served by adequate transportation and service facilities.**

The proposed height does not affect transportation or service facilities.

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.**

The shading analysis of the project identified no significant adverse shading impact on neighboring properties.

4. **The proposed use relates favorably to the General Plan.**

General Plan Policy 3.4.a indicates that the area surrounding City Hall should be developed as an identifiable civic center, and the proposed Cineplex building, with a height similar to other buildings in the vicinity, relates favorably to this policy. The proposed Cineplex height is consistent with other building heights within the area.

WHEREAS, on May 3, 2005, the City Council adopted an Initial Study ("IS") and Environmental Assessment ("EA") for the Alameda Theater, Cineplex and Parking Structure project (State Clearinghouse No. #2004-122-042), and adopted a Mitigated Negative Declaration ("MND"), adopted and incorporated into the project all of the mitigation measures within the responsibility and jurisdiction of the City, and adopted a Mitigation Monitoring Program.

WHEREAS, the Use Permits is a subsequent approval required to implement the Alameda Theater and Cineplex project and was fully analyzed in and contemplated by the analysis in the Initial Study/Environmental Assessment.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Alameda, having independently reviewed the adopted Initial Study/Environmental Assessment, hereby finds that no subsequent or supplemental environmental review is required, pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15162, because:

- i. There have been no substantial changes in the project that require major revisions of the previous Initial Study/Environmental Assessment due to the involvement of new significant environmental impacts or a substantial increase of the severity of previously identified significant effects;
- ii. There have been no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Initial Study/Environmental Assessment due to the involvement of new significant environmental impacts or a substantial increase of the severity of previously identified significant effects; and
- iii. There is no new information showing that the project will have one or more significant effects not discussed in the previous Initial Study/Environmental Assessment, or that significant effects previously examined will be substantially more severe than shown in the previous Initial Study/Environmental Assessment.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda hereby approves UP05-0018 for: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district; b) fifty eight (58') foot building height for the Cineplex; and c) extended hours of operation until 3:00 a.m. for the theatre for occasional special events and screenings, subject to the following conditions:

1. QUEUING. Prior to issuance of building permits, the applicant shall submit to the Planning and Building Department a plan/diagram that clearly identifies the configuration of queuing lines associated with the ticket office as well as lines for ticket holders waiting to enter the theater and shall specifically address nighttime queuing. The queuing plan shall be reviewed by the Public Works Director, Planning and Building Director, and the Chief of Police, and shall specifically address overnight queuing, and the cost of extra police services, if and when necessary, shall be borne by the applicant.
2. HOURS OF OPERATION. Ticket sales shall be limited to the hours between 7:00 a.m. to 11:00 p.m. seven days a week. The latest movie screening shall be no later than 11:00

p.m. and the ticket sales shall end at the same time. Hours for all other events such as live performances, public assemblies and similar functions shall be limited to 12:00 a.m.

3. BLOCKBUSTER RELEASES AND SPECIAL VENUES. Notwithstanding the hours specified under Condition #2, the hours of operation for the theater may be extended to 3:00 a.m. for up to 24 days per year, subject to the following:
 - a. The late-night screenings shall be limited to four screens on the ground floor of the theater.
 - b. The extended hours shall be limited to initial releases of new first-run movies.
 - c. The latest movie screening shall be no later than 12:15 a.m., and ticket sales shall end no later than 12:30 a.m.
 - d. Upon request, the theater operator shall provide to the City a schedule identifying when movie screenings occurred and the frequency of movie screenings occurring after 11:00 p.m. during the year.
 - e. The Planning Board shall review the extended hours of operation one year after the theater has begun operation. It shall be the applicant's responsibility to initiate the process for Planning Board review within 30 days of a year after the theater has begun operation. The applicant shall bear the costs for staff time and materials associated with this review.

The 24 days shall not include the 12 days designated for City use of the theater as specified in the Disposition and Development Agreement.

4. TIME AND MATERIALS. All Time and Materials charges shall be paid in full prior to issuance of building permits.
5. VESTING. The Use Permit approval shall terminate two (2) years from the effective date of its approval pursuant to AMC Subsection 30-21.9, unless actual construction or alteration under valid permits has commenced within that time or the applicant applies for and is granted an extension prior to the expiration.
6. REVOCATION. This Use Permit for the theater use and extended hours of operation may be modified or revoked by the Planning Board, pursuant to Alameda Municipal Code Section 30-21.3d should the Board determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.
7. HOLD HARMLESS. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul,

an approval of the City concerning the subject property. The City of Alameda shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action, or proceeding, or the City fails to cooperate in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.

8. **ACKNOWLEDGMENT OF CONDITIONS.** The applicant shall acknowledge in writing all conditions of approval and accept this permit subject to conditions, with full awareness of applicable provisions of the Alameda Municipal Code for this approval to be exercised.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

PASSED AND ADOPTED this 29th day of September 2005 by the Planning Board of the City of Alameda by the following vote:


AYES: (5) Cook, Piziali, Cunningham, Lynch, McNamara

NOES: (0)

ABSENT: (1) Kohlstrand

ABSTAIN: (1) Mariani

ATTEST:


Greg McFann, Interim Secretary
City Planning Board

Minutes of the Special Planning Board Meeting
Thursday, September 29, 2005 – 7:00 p.m.

Draft

1. CONVENE: 7:03 p.m.
2. FLAG SALUTE: Mr. Piziali
3. ROLL CALL: President Cunningham, Vice President Cook, Lynch, Mariani, McNamara, and Piziali.

Ms. Kohlstrand was absent.

Also present were Supervising Planner Cynthia Eliason, Deputy City Attorney Julie Harryman, Development Services Director Leslie Little, Public Works Director Matt Naclerio, Bruce Knopf, Jennifer Ott and Dorene Soto all of Development Services, Executive Assistant Latisha Jackson.

4. AGENDA CHANGES AND DISCUSSION: None.
5. ORAL COMMUNICATIONS:

Ms. Irene Dieter wished to discuss parking in the downtown area, and noted that consultants were hired by the City to study a parking structure. She recounted the background of that study, and stated that the Elks Lodge was the first choice for a site, followed by Long's Drugs. After the Long's deal fell through, the City did not reinvestigate the Elk's site but instead chose to develop a parking garage, which she did not believe was the best land use in the downtown area. She believed this garage promoted parking in the garage, seeing the movie and driving away. She would like to encourage walking through the neighborhood by using smaller parking lots, dispersed through the City. She believed that shared parking would be economical, and listed several sites. She identified 265 spaces that were not used in the evening hours, and encouraged the City to approach those companies. She requested that the Planning Board to encourage the City to vacate its Negative Declaration and reconsider dispersed parking.

Mr. Richard Bangert noted that he was not a critic of the theater project, but would like to obtain more facts from the City; his concern was growing due to the lack of facts. Midway through the development process, the theater and garage projects had combined into one project and that he had not seen any public notice stating they had combined. He believed that contributed to the level of public controversy.

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Ms. Victoria Ashley strongly objected to the theater project, and added that she had degrees in architecture and psychology. She believed there was a social impact of this project on the community. She was disappointed with the last several meetings, and that of 70 people, there was an approximately five-to-one ratio of speakers opposed to the project. She believed their opinions had been ignored.

Ms. Alice Ray and her husband Lew Brentano spoke on child safety and the importance of not building the parking structure to breed criminal activity towards and by children. She implored the Board to look at solutions to keep children safe to help the community.

6. REGULAR AGENDA ITEMS:

- 6-A. **UP05-0018 – Kyle Conner/Alameda Entertainment Associates, L.P. – 2305, 2317 Central Avenue (JO).** The applicant requests a Use Permit approval for the following: 1) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty-eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 AM for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings. The site is located within the Park Street C-C T, Community Commercial Theatre Combining District.

Ms. Eliason summarized this staff report.

Mr. Kyle Conner, developer, gave a presentation. He was aware of the public feedback, and stated that he was willing to make changes in order to get the Use Permit approved, including retracting the game room. He noted that he requested the extended hours in order to play blockbuster films such as "Star Wars" to be screened at 12:01 AM according to the licensing agreements.

In response to an inquiry by Ms. McNamara regarding the average number of blockbuster films released each year, Mr. Conner replied that there may be 15-18 blockbusters this year. On average, there may be 15-30 films with licensing agreements that would allow a 12:01 showing.

M/S McNamara/Cook and unanimous to limit the speakers' time to three minutes.

AYES – 6 (Kohlstrand absent); NOES – 0; ABSTAIN – 0

The public hearing was opened.

Ms. Linda Hansen, 1816 Wood Street, spoke in opposition to this item. She suggested that story poles be erected to show the size of this building. She displayed pictures on the overhead screen to illustrate the views that would no longer be visible if the building were to be constructed. She believed the 58-foot height limit was excessive.

Mr. Karva Sales, 1719 Pacific Avenue, spoke in opposition to this item. He agreed with Ms. Hansen's opinion of the garage's appearance and believed that it was out of character with the rest of the neighborhood. He agreed that dispersed parking would be a good idea.

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Mr. Rick Tabor, 1821 Santa Clara Avenue, spoke in support of this application. He believed this was a good use for an underused site, and added that he was associated with the Alameda Civic Light Opera, which has a youth internship program. He was offended by the previous speaker's statement that the parking garage would invite gang rapes. He believed that with the proper judgment in finding appropriate and rewarding youth activities, this project would be a positive influence.

Mr. Pete Halberstadt, 1410 Park Avenue, spoke in support of this application. He believed the height of the building was appropriate, and supported maintaining the historical integrity of the theater.

Ms. Marilyn Ezzy Ashcraft, 903 Grand Street, spoke in support of this application. She recently learned of the closure of the historical Lafayette single-screen theater, and added that the owner did not think that single- or two-screen theaters could be viable in the Bay Area. She believed this theater complex could be financially feasible and would revitalize the downtown area, and that downtown businesses would be cross-patronized. She would rather go to the movies in town, rather than go off the Island.

Ms. Marilyn Schumacher, 1829 Clinton, spoke in support of every aspect of this application.

Ms. Mary Hudson, 876 Oak Street, spoke in support of this application. She noted that she had worked in the movie business and understood the difficulty of operating single-screen movie theaters. She did not believe the project was out of scale, and disagreed with the depiction of the project as a megaplex, especially since the new theaters will have approximately 25% less seating than the original theater had.

Ms. Paula Rainey, 556 Palace Court, spoke in opposition to this item. She agreed with previous comments made by other speakers, and agreed with Ms. Alice Ray's comments regarding children's safety.

Mr. Andy Crockett, 1301 Walnut Street #8, spoke in opposition to this item. He noted that he loved historic movie theaters but objected to the project because of the recent steep decline in movie attendance. He did not believe the theater could be financially feasible. He cited movie alternatives such as Netflix, on-demand DVD rentals and the closing time lag between first release of DVD availability. In addition, higher resolution and higher quality television screens make home viewing more attractive, and digital video recorders such as TiVo has tilted a trend toward home viewing. He suggested restoring the theater to only three screens.

Ms. Kristi Koenen, 1360 Pearl Street, spoke in opposition to this item. She believed the proposed Cineplex would overwhelm the parking garage capacity, and cited the parking study that projects the garage capacity being up to 200 spaces short of satisfying peak demand. She noted that the study

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recommended parking capacity of 450-550 spaces, and expressed concern about a parking nightmare during blockbuster openings. She believed the planned parking capacity would violate the Alameda Municipal Code, and urged the matter to be sent back to the City Council.

Mr. Dick Rutter, 2205 Clinton Avenue, spoke in opposition to this item. He noted that he submitted a letter to the Board, and that he had no objections to Item A, proposing a Cineplex on the site. Regarding Item C, extended hours of operation, he understood the applicant's reasoning for the extension. He understood the game room had been pulled from the Use Permit. Regarding Item B (height and bulk considerations), he believed the building height should be dropped as it gets farther away from Park Street. He noted there was a legal loophole for height limits for the parking structures, and that they were not as stringent. He believed the 40-foot height limit on this parcel was justified. He believed the height and bulk restrictions were being ignored on the Oak Street side.

Ms. Jasmine Tokuda was called to speak, but was not in attendance.

Mr. Ron Schaeffer was called to speak, but was not in attendance.

Ms. Hanna Fry, 1507-A Chestnut Street, spoke in support of this application, and believed it would be beneficial to Alameda.

Mr. Court Summerfield, 1507 Park Street, spoke in support of this application. He noted that he was a merchant on Park Street and would be happy to see additional parking in the district.

Ms. Jan Schaeffer, 1184 Regent Street, spoke in opposition to this item. She noted that she had previously been the Director of Theater Operations for Alan Michaan's Renaissance Rialto Theaters. She disagreed with those who believed that a smaller house would not be financially feasible, and noted that the Grand Lake Theater, a four-screen house, was very successful because of low overhead and a quality project. She noted that people traveled long distances to attend that theater, and believed that a scaled-down theater could be successful without eight screens. She urged the applicant to restore the interior of the theater.

Ms. Pat Payne, 2121 Alameda Avenue, spoke in opposition to this item. She noted that the surrounding neighborhoods were already short of parking, and did not believe the City needed this theater.

Mr. Vern Marsh, P.O. Box 800, spoke in opposition to this item. He did not believe the cineplex should be built at all. He believed that a majority of people did not want it, and that the Planning Board and the City Council passed the project through despite their wishes.

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Mr. Anders Lee, PO Box 800, spoke in opposition to this item, and was concerned about the series of events that led to this meeting. He believed the building was too massive for Alameda. He believed the parking demand would exceed the capacity.

Ms. Carol Fairweather, 920 Walnut Street, spoke in support of this application. She noted that she and her husband would be able to walk to the theater.

Ms. Pauline Kelley, 1121 Sherman Street, spoke in support of this application. She did not wish to go out of town to attend movies.

Mr. Frank George, 2600 Otis Drive, spoke in support of this application. He noted that he was a Park Street merchant and a member of Property Owners on Park Street (POPS), which had approximately 100 members. He noted that there were approximately 400 merchants on Park Street, and has spoken with many merchants who strongly supported this project.

Ms. Debbie George, 2600 Otis Drive, spoke in support of this application. She noted that the current Alameda Theater was 58 feet height, and that this project would balance that building out with a 58-foot building. She noted that the developer would allow the community to use the theater 12 days a year for community events, and looked forward to those events.

Ms. Irene Dieter spoke in opposition to this item. She believed this project ran counter to the Downtown Visioning process, and added that the theater restoration and parking garage had been on separate tracks until summer 2004. Following the demise of the Long's deal, they coalesced into one project, and she did not believe there was any publicity in the local newspaper for the November 2004 scoping meeting. She expressed concern that the balcony will not show movies, and asked why it was not included. She was concerned that if the developer backed out of the deal, the theater may never be restored. She encouraged the Board to maintain the goal of a fully restored theater. She believed that full restoration should be a requirement, not an option.

Mr. Robert Gavrich, Citizens for a Megaplex-Free Alameda, 1517 Fountain Street, spoke in opposition to this item. He opposed the height and the extension of the hours. He expressed concern that the theater attendance would overwhelm the parking capacity, and noted that this ran contrary to the City Ordinance requiring that parking is sufficient for the use. He believed that the proposed project, regardless of height, violated Standard 9 of the Secretary of Interior's standards for rehabilitation according to the City's hired consultant, Robert Bruce Anderson. He quoted Tony's Daysog's concerns about financial feasibility vis-à-vis incoming revenue.

Ms. Deborah Overfield spoke in opposition to this item, and was concerned that the Planning Board had already made up its mind regarding this project. She believed the mix of apartments around the

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theater was tacky. She did not believe a six-level parking structure on this site was a good idea, and that it did not comply with the Alameda Municipal Code.

Ms. Sally Rudloff, 1828 Clinton Avenue, spoke in support of this application. She believed it would be a good diversion for the youth of Alameda.

Ms. Judith Altschuler, 3015 Bayview Drive, spoke in support of this application. She noted that the City had worked on this project since 1994 with a considerable amount of public speaking and outreach. She noted that the cineplex carried all the ADA requirements for the Alameda Theater. She believed the restoration of the Alameda Theater would be more magnificent and significant because of that; any intrusion of an elevator would diminish the restoration of the theater. She noted that some speakers had referred to the theater as a façade, and she did not recall that on the plans at all; the Alameda Theater would be a fully integrated part of the project, and the main lobby would be the lobby for the entire theater.

Mr. John Rossilon, 1525 Park, spoke in support of this application. He did not believe there would be investors for two movie theaters, and added that it would not be reasonable to put kids on a bus to Jack London Square. He strongly believed that kids and families should have a theater on the Island they can attend easily.

Mr. Dwayne Watson spoke in support of this item, and echoed Mr. Rossilon's comments. He noted that he had worked on the Parking Committee, and believed this was the best arrangement that was feasible. He believed the design for the two theaters was fantastic, and that it had been falling apart for years.

Ms. Ani Dimusheva, 2911 Calhoun, spoke in opposition to this item, and believed it was contrary to the City's General Plan because it did not fit into Alameda's small-town character. She believed the City's historic architecture should be preserved. She urged the City to start again with the design.

Ms. Michelle Misino deLuca, 1506 Lincoln Avenue, spoke in support of this item. She disagreed with the characterization of this project as a megaplex, and supported the benefit to Park Street businesses. She be a good source of revenue to the City.

Ms. Monica Pena, 1361 Regent Street, spoke in opposition to this item. She believed the 3 AM closing time would be a safety hazard, both on the streets and in the parking garage; it would also place a burden on the City's law enforcement officers. She expressed concern that Board member Piziali had signed and circulated a pro-theater petition.

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Mr. Harvey Brook spoke in support of this item, and noted that he was a consultant who worked with other theater restorations in the state. He disagreed with the opponents' assessment of the parking capacity, and noted that there were approximately 578 spaces available, which would be sufficient for a busy Saturday night.

Ms. Pamela McBride, 909 Shorepoint Court, indicated she was in favor of this project but was not in attendance to speak.

Mr. Gail Wertzork, 3452 Capella Lane, spoke in support of this item. He believed this was a marquee project for the City, and noted that he had been involved with this project since its inception. He had spoken to many small business owners surrounding Park Street whose customers had a difficult time finding a place to park. He believed the parking garage would be a benefit to the City.

Mr. Fritz Mayer, 146 Purcell Drive, spoke in support of this item, and believed it would be critical to the vibrance of the City. He read into the record a letter from Walt Jacobs, president of the Chamber of Commerce.

Ms. Kathy Shaughnessy, 619 Willow Street, spoke in support of the Use Permit and the extended hours of operation.

Ms. Barbara Marchand, Marchand and Associates, 1212 Regent Street, spoke in support of this item, and believed that it would help the City's economic condition.

Mr. Blake Brydon, 1033 Camino del Valle, spoke in support of this item. He supported the multiple screens, height requirements and the extended hours of operation for occasional special events and screenings. He believed the multiple screen configuration was the only way to make the theater financially feasible. He did not believe the height was out of scale to other, taller nearby structures. He believed the extended hours of operation would be appropriate for special releases or community events.

Mr. Harry Hartman, 1100 Peach Street, spoke in support of this item. He agreed there would be some mitigation with this project, and believed the quality of life in Alameda would be enhanced by this theater.

Mr. Robert McKean, 46 Steuben Bay, spoke in support of this item, and noted that he had published *Alameda Magazine* for the past four years. He believed this project would be an enhancement to Alameda.

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Ms. Angela Lazear, President of Board of Directors, Alameda Civic Light Opera, spoke in support of this item.

Mr. Burny Matthews, 556 Kines Road, spoke in support of this item. He believed that the City should be run like a business to enhance the use of the retail tax revenue to benefit the City as a whole. He noted that well-staffed police and fire departments, and other staff positions are dependent on tax revenue. He believed that visitors would be drawn to the theater, which is located in a safe community. With respect to the concerns about crime connected with the theater, he noted that the Alameda Police Department can handle any crowd situation generated by the theater.

Ms. Doree Miles spoke in support of this item, and noted that she has always wanted to walk to a restored Alameda Theater. She believed this project can make that dream come true, and believed the design would blend well with the historic theater.

Ms. Jackie Green, 1109 Park Avenue, indicated she was in favor of this project, but was not in attendance to speak.

Ms. Kathleen Woulfe, 3208 Monte Vista Avenue, spoke in support of this item. She looked forward to walking to the theater, having dinner and attending a movie.

Mr. Lars Hansson, PSBA President, spoke in support of this item and noted that PSBA completely supported this project. He believed the restoration of the theater and use of the theater for first-run movies was a worthy goal. He recalled the closure of the Lafayette Theater and the impending closure of the Orinda Theater, and emphasized that financial feasibility was essential for its long-term success. He believed it would act as an economic catalyst for downtown Alameda.

Ms. Janice Gatewood, 2029 Alameda Avenue, spoke in support of this item. She believed that the young people of Alameda would benefit from this project, including employment. She recently moved from Southern California, and looked forward to attending a movie with her granddaughter in town.

Mr. Lew Brentano expressed concern about the business plan of the development, which had not been revised since 2003 to reflect current trends in the movie industry. He did not have any problems with an elevator in the historic theater, and noted that would prevent him from attending the restored theater. He encouraged the Planning Board to reject this Use Permit because the current ADA plans did not meet the spirit of the ADA.

Mr. Daniel Pollart, 127 Capetown Drive, indicated he was in favor of this project but was not in attendance to speak.

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Ms. Debbie Pollart, 127 Capetown Drive, spoke in support of this item. She noted that she had been a planning professional for 20 years, and generally had to travel outside Alameda to attend a movie. She supported the extended hours and height limit, and noted that the theater could bring social and economic benefits to the community. She believed this building was in context with its surroundings with a cohesive visual pattern and sense of place. She supported the limited late-night showings, allowing City oversight. She noted that if the applicant did not comply with the conditions of approval, or unforeseen problems arise later, the City always has the option of reviewing the Use Permit, and either adding additional conditions of approval or revoking it. She agreed with the withdrawal of the video game component, and that in the city where she works, that is a constant enforcement issue with respect to loitering regulations.

Mr. Bruce Reeves, 2527 Santa Clara, spoke in support of this item, and noted that he was the past chair of the Housing Commission and currently on the Recreation and Parks Commission. He noted that the Board had the benefit of 27 years of meetings, consultant reports and other information regarding this project. He believed that this was the best alternative for the crumbling theater.

Ms. Pat Colburn, 1340 Park Avenue, spoke in opposition to this item, and noted that she was the founder and former president of the Alameda Arts Center. She believed the current project was out of scale in Alameda, and hoped the City would consider the installation of solar panels on the roof of the building.

President Cunningham called for a ten-minute recess.

Ms. Minnie Patino, 1513 Paris Street, Alameda Taqueria, indicated she was in favor of this project but was not in attendance to speak.

Mr. John Grigsby, 1566 Pacific Avenue, spoke in opposition to this item, and drew a parallel between the theater complex project in San Jose and this project. He noted that the San Jose theater closed down four years later, and inquired why City money was needed if it was a good economic idea. He urged the Board to reject the Use Permit and the subsidy.

Ms. Dawna Dondell, 960 Shorepoint Court, indicated she was in favor of this project but was not in attendance to speak.

Mr. John Jacobs, 2130 Otis Drive, did want wish to speak, but indicated his support of this item.

Ms. Ana Rojas, 1129B Regent Street, spoke in opposition to this item, and recalled the last City Council hearing of this item. She did not wish the small-town character of Alameda to drastically

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change with the addition of a Cineplex and parking garage. She noted that the view of the Twin Towers Church would be lost. She expressed concern that this would be a white elephant.

Mr. Douglas Mitchell, 2922 Gibbons Drive, indicated he was in favor of this project but was not in attendance to speak.

Ms. Abigail Wagg spoke in support of this item, and noted that she was a Park Street merchant. She recalled the small downtown theaters in Sacramento during her youth, and would like to see a similar small-town community unifier in Alameda. She believed that theaters were an asset to any community, and would be a good tax benefit to the city. She did not wish to go off the Island to attend a movie.

Mr. Mel Waldorf, 1715 Otis Drive, spoke in support of this item. He noted that he had to work outside the city, and would like to attend a movie with his family in town. He noted that there were many busy families in Alameda who supported this project.

Mr. David Kirwin, 1416 Seminary Avenue, spoke in opposition to this item. He wished to protect the small-town qualities of Alameda, and would like to see a three-screen theater. He did not believe this theater would generate revenues for the City, and that it would lose its historic status as a building.

Ms. Susan Battaglia, 1351 Burbank Street, spoke in opposition to this item. She did not agree with the height of the building, and was concerned that if the theater failed, the garage would turn into a skateboard park. She would like to see a three-screen theater instead. She did not agree with the proposed site, and suggested that Harbor Bay Parkway would be a better site.

Ms. Rosemary McNally, 2145 San Antonio, spoke in opposition to this item. She recalled seeing the massing model and was immediately concerned with the mass of the building. She was pleased that the game room had been deleted, and hoped that it was not reintroduced. She was concerned that the video game idea was introduced at the last minute, and that a late-night permit 45 nights a year would invite customers from off the Island, contrary to the developer's letter to the newspaper. She did not believe this use would be compatible with the General Plan.

Ms. Valerie Ruma, 1610 Willow Street, spoke in opposition to this item. She noted that this was not the result of a unanimous agreement of the Visioning process. She preferred to see the complete restoration of the historic theater without a Cineplex. She noted that the movie business was declining already, and would rather see a smaller, three-screen theater.

Mr. Joe Cloren, 1245 Tahiti, spoke in opposition to this item. He noted that Alameda was a unique city, and did not want to add more cars to the traffic mix. He was concerned about the impact on

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traffic if there was a fire, or even if the drawbridge went up with an extra 500 cars on the street. He expressed concern about emergency vehicle access in such an event.

Ms. Karen Bay, 2911 Santa Clara, spoke in support of this item, and noted that she had taken part in the Downtown Visioning process.

Mr. Jim Strehlow, 3122 Gibbons Drive, spoke in support of this item, and noted that he frequently walked and biked within Alameda. He recommended that a projectionist technician be required to be available within 15 minutes of a failure. He suggested that a website complaint number within an onsite kiosk be available for feedback. He would like to see the number of days with allowable after-hours operation reduced from 45 to 24 days.

Ms. Reyla Graber, 3120 La Cressa Street, spoke in opposition to this item. She believed this project was wrong for Alameda, and added that the scale of the garage and footprint of the project was too large. She was not confident of this use of public funds, and did not agree with the 3 AM extension of hours. She would not like to see the developer return with a request for a game room and for 15 screens. She noted that the Marina Theater was being restored in San Francisco, and suggested that be a model for Alameda.

Mr. Douglas Mitchell submitted a speaker slip, but was not in attendance to speak.

Ms. Melody Marr, Alameda Chamber of Commerce, 1416 Park Street, spoke in support of this item on behalf of the Board of Directors. She asked that the 45 days of extended hours be reduced to 24 days. She supported the live theater proposal, and did not want to see dollars leaving Alameda for movies and associated activities. She read the following names of members who supported this project, but could not attend: Debbie McBride, Barbara Johnson, Allison Bliss, Pamela Christiansen, Cathy Leong, Kevin Leong, Kathy Moehring, Terrence Brewer, Cathy Brewer, Chuck Bianchi, Julia Park, Lorre Zuppan, Josh Lipps, Jennifer George, Renee Tripprudeen of 3235 Central Avenue.

Mr. Bill Smith, PO Box 2009, spoke in opposition to this item and expressed concern about parking and traffic congestion.

Ms. Norma Henning, 1361 Park Street, spoke in support of this item and noted that she was a Park Street merchant.

Ms. Lorna Dowell submitted a speaker slip but was not in attendance to speak.

Mr. Harry Singh, 12 Shepardson Lane, spoke in support of this item, and noted that he would like to keep his dollars on the Island.

Ms. Lisa Jasper submitted, 117 Chinaberry Lane, a speaker slip but was not in attendance to speak.

Ms. Jasmine Tokuda, 867 Cedar Street, spoke in opposition to this item. She would support a smaller-scale theater similar to the Grand Avenue Theater in Oakland. She noted that market changes in the oil and the movie businesses may not point to off-Island business coming to this theater. She believed the size of this project would be an issue following those changes.

Mr. Elijah Moore noted that he had been a resident of Oakland and Alameda, and had been stationed at the Coast Guard base.

Mr. Kevin Frederick, 1287 Caroline Street, spoke in opposition to this item and believed there were many flaws in this project. He encouraged the Board to present their opinions frankly and clearly. He believed the business owners were presenting their support of this project in an emotional framework, and would like to see a logical presentation. He encouraged the widening of Oak Street, and suggested that the Elks Lodge location would be a better location for the parking garage.

Ms. Alice Ray, 2808 Bayview Drive, believed there could be a solution to bring the community together to meet the goals of community safety and keeping Alameda dollars on the Island.

Mr. Ivan Rudenko, 727 Haight Avenue, #7, submitted a speaker slip in opposition to this item but was not in attendance to speak.

The public hearing was closed for Board discussion.

Vice President Cook proposed that the Board discuss each issue separately.

Ms. McNamara requested that the developer address the live theater portion of the project, and added that she supported a live theater component. Mr. Conner explained the alterations that would take place to accommodate live performances, and added that he planned to return the auditorium to its original condition.

Ms. Ott noted that the old orchestra pit was not standard in a movie theater, but that it could be used.

In response to an inquiry by Ms. Mariani's regarding the balcony, Ms. Ott noted that there were no seats in the first balcony at this time, and that the second balcony had already been compromised and

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turned into two additional theaters. The old theatre walls would be demolished per Building Code requirements, but may be rebuilt some time in the future.

In response to an inquiry by Mr. Lynch regarding the renovation cost, Ms. Ott advised that it was projected to cost \$9.6 million.

Regarding Item A, Vice President Cook believed that this use was consistent with the General Plan's goal of revitalizing the downtown district, as well as the Downtown Visioning process. She believed this use was consistent with the General Plan, and would be adequately served by the City's transportation system. She believed the traffic impact would be staggered because of the theater show times, and did not believe there would be 500 cars pouring in simultaneously.

In response to an inquiry by Vice President Cook regarding ADA access, Ms. Eliason replied that the historic theater restrooms would not be ADA accessible, and that the new theater would be fully accessible. The movie theater itself would be accessible and ADA compliant. The women's restroom in the historic theater would be able to accommodate a handicapped stall, but the men's room would not. There would also be a unisex bathroom on the first floor.

Mr. Lynch noted that the suppositions put forth by some speakers opposing the project that this project was not legally consistent with the General Plan were incorrect. He noted that the General Plan was a statement of goals and policies, but in order for the Board to take an affirmative action, there must be findings created. He believed there was consistency, and that the findings may be made to support those policies and goals.

Mr. Piziali agreed with the comments made by Vice President Cook and Mr. Lynch.

President Cunningham agreed with Vice President Cook's statements. He believed the new theater would revitalize the historic theater and conformed with uses elsewhere in the district.

Regarding Item B (Extended Hours of Operation), President Cunningham inquired about the criteria and plans for blockbuster showings. Mr. Conner noted that there were many factors involved, including staggering show times to minimize traffic congestion occurring at one time. He added that was also the benefit of having multiple screens. He added that the historic theater would be the catalyst for those showings, unless it was a major blockbuster release such as "Star Wars."

In response to an inquiry by Mr. Lynch whether he would agree with a condition that only the blockbuster releases be shown at 12:01 AM, Mr. Conner replied that would be limiting, but it would be acceptable to him.

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Mr. Piziali expressed concern about police coverage when a show lets out at 3 AM, and inquired whether the Police Department had weighed in on this issue. He believed that extra staffing should be borne by the theater.

Ms. Eliason noted that no comment had been received by the Police Department, but that the Use Permit could be conditioned so that the applicant paid for extra police services.

Ms. McNamara inquired about queuing control in the event of a major blockbuster, and did not want people camping out for tickets days in advance. Ms. Eliason advised that the operator must provide a queuing plan, including provisions for crowd control and police coverage.

Mr. Piziali believed there were City ordinances against camping overnight.

Vice President Cook noted that she often bought her tickets online in order to avoid long lines. She suggested that camping be restricted.

Mr. Lynch acknowledged that people may line up for tickets at 10 AM, but opposed people sleeping over in front of the theater. He suggested that the applicant hire a private security guard for such events.

President Cunningham noted that St. Joseph's was required to hire private security to monitor excess parking for special events.

Mr. Piziali wished to ensure that there was no additional taxpayer expense on police services for such an event.

Vice President Cook suggested the following language: "The queuing plan shall be viewed by the Public Works Director, Planning & Building Director and the Chief of Police, and shall specifically address overnight queuing, and the cost of extra police services, if and when necessary, shall be borne by the applicant."

Mr. Lynch and President Cunningham agreed with that language.

Ms. Mariani inquired about inside and outside surveillance, and the specifics of the security.

Ms. McNamara believed that 10 extended hour events per year would be sufficient, and added that after the first night, it was no longer a special event for a blockbuster movie. She was also concerned about the impact on the neighborhoods by attendees leaving the late movies at 3 AM

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Vice President Cook noted that if the 10 days per year went well, the Board could consider adding more dates.

Mr. Lynch suggested reviewing the extended hours every six months, rather than projecting a negative.

Vice President Cook suggested making that interval slightly longer to accommodate a learning curve, but supported the general idea. She suggested 24 events in a year, and reviewing the extended hours after a year.

M/S Cook/McNamara and unanimous to extend the meeting to 11:30 p.m.

AYES – 6 (Kohlstrand absent); NOES – 0; ABSTAIN – 0

Vice President Cook believed it would be useful to cap the number of theaters being used on a late-night showing.

President Cunningham did not want to place unreasonable economic restrictions on the applicant.

Mr. Conner suggested using only the ground level theaters on those evenings. He noted that there may be 400-500 people on a very full night.

Mr. Lynch would like specific information on impacts on public services.

Regarding Item C (Building Height), Vice President Cook noted that had always been her greatest concern. She had preferred the Long's parking lot project, but that project did not go forward. She noted that there were not many opportunities for the City to find a developer willing to take on such a project. She noted that public funds were often used for projects with a public benefit. She was willing to strike a balance and approve the height limit.

Ms. Mariani had no comment on this item.

Mr. Lynch noted that the cost of a project was the overall driving factor for this project, and appreciated and respected the passion of the public speakers. He noted that \$10 million of debt to restore this building must be offset by revenue generated by the business. He was comfortable with the discussion regarding the design and operations, and added that the financial aspect of this project was the driving factor for him. He noted that a three-screen theater cannot satisfy a \$10 million debt.

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Mr. Piziali agreed with Mr. Lynch's comments, and noted that this project was necessary to support the restoration.

Ms. Mariani noted that she would like to see a movie theater in Alameda, and added that she would prefer the three or four-screen idea.

M/S Cook/Lynch to adopt Planning Board Resolution No. PB-05-41 to approve a Use Permit approval for the following: a) multi-screen theatre, live theatre, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 AM for the theatre pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings. The following modifications will be added:

1. Additional queuing shall be specifically addressed. The cost of extra police service and security, if and when necessary, shall be borne by the applicant.
2. The third paragraph will be revised from "45 days" to "24 days per year," and a provision will be added for a report back to the Planning Board after one full year of operation. The late-night showings will be limited to screens on the ground floor of the theater.

AYES – 5 (Kohlstrand absent); NOES – 0; ABSTAIN – 1 (Mariani)

7. WRITTEN COMMUNICATIONS: None.

8. STAFF COMMUNICATION: None.

9. ADJOURNMENT: 11:13 p.m.

Respectfully submitted,

Greg McFann, Acting Secretary
Planning & Building Department

These minutes were approved at the October 24, 2005, Planning Board meeting. This meeting was audio and video taped.

CITY OF ALAMEDA RESOLUTION NO. _____

Approved as to Form

CITY ATTORNEY

UPHOLDING THE PLANNING BOARD'S APPROVAL OF USE PERMIT UP05-0018 FOR: A) MULTI-SCREEN THEATER, LIVE THEATER, AND PUBLIC ASSEMBLY USE IN THE C-C T DISTRICT PURSUANT TO AMC SUBSECTION 30-4.22; B) FIFTY EIGHT FOOT (58') BUILDING HEIGHT FOR THE CINEPLEX PURSUANT TO AMC SUBSECTION 30-4.9A.G.2; AND C) EXTENDED HOURS OF OPERATION UNTIL 3:00 A.M. FOR 24 DAYS PER YEAR FOR THE THEATER PURSUANT TO AMC SUBSECTION 30-4.9A.C.1(A) FOR OCCASIONAL SPECIAL EVENTS AND SCREENINGS. THE SITE IS LOCATED AT 2305-2317 CENTRAL AVENUE WITHIN THE C-C T, COMMUNITY COMMERCIAL THEATER COMBINING DISTRICT.

WHEREAS, an application was made by Alameda Entertainment Associates L.P. ("Applicant") for the following: a) multi-screen theater, live theater, and public assembly use in the C-C T district pursuant to AMC Subsection 30-4.22; b) fifty eight (58') foot building height for the Cineplex pursuant to AMC Subsection 30-4.9A.g.2; and c) extended hours of operation until 3:00 a.m. for the theater pursuant to AMC Subsection 30-4.9A.c.1(a) for occasional special events and screenings ("Project") at 2305-2317 Central Avenue, the corner of Oak Street and Central Avenue, generally on the previous Video Maniacs site; and

WHEREAS, the subject property is located in the C-C T, Community Commercial Theater Combining District; and

WHEREAS, a Mitigated Negative Declaration was prepared and adopted on May 3, 2005 for the Alameda Theater, Cineplex and Parking Structure Project by the City Council. Since that time there has been no change to the project or substantial changes in circumstances or new information that would warrant subsequent environmental analysis in accordance with CEQA Guidelines Section 15162; and

WHEREAS, the application was deemed complete on September 6, 2005 pursuant to Government Code 65943 (Permit Streamlining Act).

WHEREAS, Final Design Review of the proposed Cineplex was approved by the Planning Board on June 27, 2005 and upheld by the City Council on August 16, 2005 upon an appeal; and

WHEREAS, the Planning Board has held a public hearing on the Use Permit application during a Special Meeting on September 29, 2005 and has examined pertinent maps, drawings, and documents, and conditionally approved the Project; and

**Resolution # 5-B
11-01-05**

WHEREAS, on October 10, 2005 Ani Dimusheva and Robert Gavrich on behalf of Citizens for a Megaplex Free Alameda filed an appeal of the Planning Board's approval; and

WHEREAS, on November 1, 2005 the City Council of the City of Alameda held a public hearing for the appeal of the Planning Board's approval and examined pertinent documents as well as the record of the Planning Board hearing; and

WHEREAS, the City Council has made the following findings relative to the Use Permit for the multi-screen theater, live theater, and public assembly use:

1. The location of the proposed project is compatible with other land uses in the general neighborhood area.

Multi-screen theater uses are complementary to other businesses in the Downtown area because a theater draws people to the area and allows them to cross-patronize other businesses. The project involves the restoration of an existing vacant Theater, which is crucial in developing a synergy with nearby retail uses to invigorate the Park Street commercial district. Furthermore, the proposed project would strengthen the existing civic and cultural center in the Downtown.

2. The proposed use will be served by adequate transportation and service facilities.

This finding can be made because the combination of a new 350-space parking facility and available capacity at existing parking lots and facilities will be adequate to meet the parking demand for the proposed project. Additional bicycle parking will also be available. The project will be adequately served by existing transportation facilities, such as AC Transit bus service, and available parking.

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.

Theater uses are complementary to other retail uses and would not adversely affect other property in the vicinity. The project will be conditioned to require submission of a queuing plan to ensure orderly assemblage and to maintain adequate pedestrian passage space on the sidewalk.

4. The proposed use relates favorably to the General Plan.

General Plan Policy 3.4.c for the Civic Center identifies the need for a list of desired civic center spaces, and suggests spaces including a new theater. Furthermore, Policy 6.4.b "encourages the use of an existing architecturally distinguished building as an arts center," alluding to the City's desire for a

cultural space that the restored Alameda Theater and proposed Cineplex can provide.

WHEREAS, the City Council has made the following findings relative to the Use Permit for the extended hours of operation for the proposed theater use:

1. The location of the proposed project is compatible with other land uses in the general neighborhood area.

Multi-screen theater uses are complementary to other retail businesses because they draw people to the area and allow them to cross-patronize other businesses. The theater use also offers variety to existing patrons and provides entertainment options that may extend their stay from dining and shopping. The proposed extension of hours on special occasions for the theater operation would offer a significant evening entertainment draw to Downtown and could support existing and potentially new complementary uses such as restaurants, cafes and other nighttime entertainment venues within the Park Street Business District.

2. The proposed use will be served by adequate transportation and service facilities.

~~This finding can be made because the combination of a new 350-space parking facility and available capacity at existing parking lots and facilities will be adequate to meet the parking demand for the proposed project. Additional bicycle parking will also be available. Twenty four-hour AC Transit bus service is available on route 51, and routes 50 and 63 provide bus service until 1:00 a.m. Therefore, adequate transportation and service facilities are available to serve users of the theater during the occasional extended hours.~~

3. The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.

Theater uses are complementary to other retail uses and would not adversely affect other property in the vicinity.

4. The proposed use relates favorably to the General Plan.

The extended hours of operation are consistent with the Downtown Vision Plan, which calls for cultural and entertainment venues providing both day and evening activity along and around Park Street. The Downtown Vision Plan was adopted by the City in 2000 to implement General Plan guidelines for retail businesses and services. Therefore, the proposed extended hours of operation relates favorably to the General Plan.

WHEREAS, the City Council has made the following findings relative to the Use Permit for the extended building height of up to 58 feet for the new

Cineplex building:

1. **The location of the proposed project is compatible with other land uses in the general neighborhood area.**

The proposed height of the Cineplex is compatible with other land uses in the vicinity because its height of 58 feet at the top of the rounded corner and 54 feet at the top of the parapet is within the range of other building heights in the surrounding area.

2. **The proposed use will be served by adequate transportation and service facilities.**

The proposed height does not affect transportation or service facilities.

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.**

The shading analysis of the project identified no significant adverse shading impact on neighboring properties.

4. **The proposed use relates favorably to the General Plan.**

General Plan Policy 3.4.a indicates that the area surrounding City Hall should be developed as an identifiable civic center, and the proposed Cineplex building, with a height similar to other buildings in the vicinity, relates favorably to this policy. The proposed Cineplex height is consistent with other building heights within the area.

WHEREAS, on May 3, 2005, the City Council adopted an Initial Study ("IS") and Environmental Assessment ("EA") for the Alameda Theater, Cineplex and Parking Structure project (State Clearinghouse No. #2004-122-042), and adopted a Mitigated Negative Declaration ("MND"), adopted and incorporated into the project all of the mitigation measures within the responsibility and jurisdiction of the City, and adopted a Mitigation Monitoring Program.

WHEREAS, the Use Permit is a subsequent approval required to implement the Alameda Theater and Cineplex project and was fully analyzed in and contemplated by the analysis in the Initial Study/Environmental Assessment.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Alameda, having independently reviewed the adopted Initial Study/Environmental Assessment, hereby finds that no subsequent or supplemental environmental review is required, pursuant to Public Resources Code section 21166 and CEQA Guidelines sections 15162, because:

- i. There have been no substantial changes in the project that

require major revisions of the previous Initial Study/Environmental Assessment due to the involvement of new significant environmental impacts or a substantial increase of the severity of previously identified significant effects;

- ii. There have been no substantial changes with respect to the circumstances under which the project is undertaken which will require major revisions of the previous Initial Study/Environmental Assessment due to the involvement of new significant environmental impacts or a substantial increase of the severity of previously identified significant effects; and
- iii. There is no new information showing that the project will have one or more significant effects not discussed in the previous Initial Study/Environmental Assessment, or that significant effects previously examined will be substantially more severe than shown in the previous Initial Study/Environmental Assessment.

THEREFORE BE IT RESOLVED that the City Council denies the appeal and upholds the Planning Board's approval of Use Permit UP05-0018 for: a) multi-screen theater, live theater, and public assembly use in the C-C T district; b) fifty eight (58') foot building height for the Cineplex; and c) extended hours of operation until 3:00 a.m. for the theater for occasional special events and screenings, subject to the following conditions:

1. QUEUING. Prior to issuance of building permits, the applicant shall submit to the Planning and Building Department a plan/diagram that clearly identifies the configuration of queuing lines associated with the ticket office as well as lines for ticket holders waiting to enter the theater and shall specifically address nighttime queuing. The queuing plan shall be reviewed by the Public Works Director, Planning and Building Director, and the Chief of Police, and shall specifically address overnight queuing, and the cost of extra police services, if and when necessary, shall be borne by the applicant.
2. HOURS OF OPERATION. Ticket sales shall be limited to the hours between 7:00 a.m. to 11:00 p.m. seven days a week. The latest movie screening shall be no later than 11:00 p.m. and the ticket sales shall end at the same time. Hours for all other events such as live performances, public assemblies and similar functions shall be limited to 12:00 a.m.
3. BLOCKBUSTER RELEASES AND SPECIAL VENUES. Notwithstanding the hours specified under Condition #2, the hours of operation for the theater may be extended to 3:00 a.m. for up to 24 days per year, subject to the following:
 - a. The late-night screenings shall be limited to four screens on the

ground floor of the theater.

- b. The extended hours shall be limited to initial releases of new first-run movies.
- c. The latest movie screening shall be no later than 12:15 a.m., and ticket sales shall end no later than 12:30 a.m.
- d. Upon request, the theater operator shall provide to the City a schedule identifying when movie screenings occurred and the frequency of movie screenings occurring after 11:00 p.m. during the year.
- e. The Planning Board shall review the extended hours of operation one year after the theater has begun operation. It shall be the applicant's responsibility to initiate the process for Planning Board review within 30 days of a year after the theater has begun operation. The applicant shall bear the costs for staff time and materials associated with this review.

The 24 days shall not include the 12 days designated for City use of the theater as specified in the Disposition and Development Agreement.

- 4. TIME AND MATERIALS. All Time and Materials charges shall be paid in full prior to issuance of building permits.
- 5. VESTING. The Use Permit approval shall terminate two (2) years from the effective date of its approval pursuant to AMC Subsection 30-21.9, unless actual construction or alteration under valid permits has commenced within that time or the applicant applies for and is granted an extension prior to the expiration.
- 6. REVOCATION. This Use Permit for the theater use and extended hours of operation may be modified or revoked by the Planning Board, pursuant to Alameda Municipal Code Section 30-21.3d should the Board determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the Use Permit.
- 7. HOLD HARMLESS. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property. The City of Alameda shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in the defense. If the City fails

to notify the applicant of any claim, action, or proceeding, or the City fails to cooperate in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.

8. ACKNOWLEDGMENT OF CONDITIONS. The applicant shall acknowledge in writing all conditions of approval and accept this permit subject to conditions, with full awareness of applicable provisions of the Alameda Municipal Code for this approval to be exercised.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

From: <TDaysog@aol.com>
To: <lweisiger@ci.alameda.ca.us>
Date: 10/24/2005 3:19:17 PM
Subject: Subsection 2-1-5 Notice: Meeting Of : Status Update: Infrastructure Plan

October 24, 2005

Lara Weisiger
City Clerk
Alameda, CA

I am submitting this notice per Subsection 2-1-5 of the Municipal Code ("Submission of Matters"), requesting a Council discussion and staff update on the status of the infrastructure improvement plan. Unless staff has formal written reports or is prepared to respond to general or detailed questions, I envision a largely informal discussion in which staff updates Council and the community on the status of the infrastructure improvement project\plan, the scope of the project\plan, issues, timelines and questions. In particular, I envision this as an opportunity for Council to deliberate over the matter for further refinement by staff, unless staff is prepared to move forward with formal written reports with specific action steps.

Please include this email and the ordinance below in the part of the Council Communications part of the agenda packet for the meeting of November 1, 2005. Thank you very much.

Tony Daysog
City Council Member

Subsection 2-1-5 of the Municipal Code: Submission of Matters

Before 5:00 p.m. on the Monday of the week prior to each Council meeting any City official, board, commission or other municipal body having any reports, communications or other matters for submission to the Council, shall hand the same to the City Clerk whereupon the Clerk shall arrange a list of such matters according to the order of business specified in subsection 2-1.6 hereof, and furnish a typewritten copy of the list to each member of the Council. (Ord. No. 535 N.S. §2-115; Ord. No. 1946 N.S.)

CC: <DKurita@ci.alameda.ca.us>

**Re: Agenda Item # 7-A
11-01-05**